THE CAMBRIDGE HISTORY OF INDIA

IN SIX VOLUMES

VOLUME VI

The Indian Empire

1858–1918

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VOLUME VI

The Indian Empire

1858–1918

With chapters on the development of Administration 1818–1858

EDITED BY

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INTRODUCTION

THE previous volume narrated the expansion of British power down to the conquest of the Panjab and the Second Burmese War, and the development of the administrative system down to 1818 under the guidance of Cornwallis in Bengal and of Munro in Madras. It thus displayed the expansion of British India almost to its modern limits, but dealt only with the earliest British attempts to build up a workable method of government. The present volume, in the first place, carries this latter development from 1818 down to the outbreak of the Indian Mutiny. This period, in which the supremacy of the East India Company was virtually uncontested, displayed great activity and produced notable reforms. The belief that the Company's government was obscurantist or reactionary lacks foundation. Without exception the governors-general took high views of their obligations, while many of the Company's servants regarded themselves as pre-eminently the servants of India. Under them the administrative system took its final shape, with many local variations necessitated by variations in the land tenures of the British provinces; and this new system, in strong contrast with the system originally introduced by Cornwallis, was based upon the plan of securing the fullest and most detailed knowledge of social and economic conditions. In almost every province district administration embraced large elements of personal government; and many collectors of the period were till recent times remembered with reverence in the districts which they had ruled. As has been well said, had the Company's government perished in the Mutiny, the later period of its rule would have been long remembered as a golden age. But the development of good district government was by no means the sole achievement of that generation. Sati and thagi were suppressed, and female infanticide greatly lessened, while the introduction of the railway and the telegraph, the extension of irrigation, the conservation of forests, the spread of missionary activity and the growth of western education brought India into contact of a new and fruitful kind with the external world.

India's first answer to these beneficent changes was the Mutiny. In ultimate analysis that movement was a Brahman reaction against

influences which, given free play, would revolutionise the mental, moral, and social condition of the country. It acted through the sepoy army because that was the only organised body through which Brahman sentiment could express itself; it acted through the Bengal section of the sepoy troops because that alone included numerous Brahmans and because its discipline was far more relaxed than that of either the Madras or the Bombay sepoys. But this weapon was broken by the very use to which it was put. The sepoys lost coherence with the loss of their English officers. With the exception of Tantia Topi no Indian leader of note emerged. Except in Oudh the sepoys found no popular support. India indeed still had no common consciousness. It was disunited, cloven into numberless mutually indifferent or even hostile sections by caste, creed and distance, just as it had always been. Therefore the force of the Mutiny was broken before help arrived from England; and when help at last came, the Mutiny was quickly crushed. If on the one hand it bequeathed to the survivors heart-breaking memories of slaughtered women, of broken trust, of wholesale executions, on the other the fact of its suppression exposed India to the more intense application of those westernising forces which had provoked its occurrence. The Company vanished, but the queen's government took its place and rapidly tightened the control exercised from London. Foreign policy, almost completely limited to the protection of India from the Russian menace, was more closely than ever knit up with European politics. And the centre of interest tended to shift from external policy to internal development. India reached a higher degree of union than it had ever before known. Under the pressure of political fact the Indian states ceased to be the dependent but external allies of 1858 and became integral parts of a new empire of India. At the same time a new social phenomenon emerged. The spread of western education in the cities of India and the growing demand for administrative and professional services created a new class of society—educated in western knowledge and possessed of professional qualifications. This new class was essentially urban and almost exclusively Brahman. In English it possessed a common vehicle of thought. Railways and telegraphs brought the cities of India into new and intimate relations. The rise of an Indian press gave voice to common interests and aspirations. Hence emerged a new sense of unity, limited to a single class and not as yet touching

rural India, but diffused throughout every city of the land. The British government had in fact created the conditions under which nationalist sentiment could arise. The purposes contemplated from afar by Company's servants like Thomas Munro were being realised by the servants of the crown.

This political was accompanied by a great economic development. Indian finance was handled by a succession of remarkably able men with prudence and foresight. Debt was incurred mainly for productive works which increased the wealth of the country in a degree incomparably greater than their cost. Irrigation, railways, agricultural improvements, co-operative credit, all helped to create an India in which wealth was more widely diffused than it had been for many centuries, and permitted the development of a famine policy which gradually ended that great scourge of humanity.

Such were two of the three main developments which mark out the two generations which followed the Indian Mutiny. The third consisted of a series of efforts, still actively continuing, to transform into an organic state the inorganic despotism which the crown had inherited from the Company, and the Company from the former Indian governments. It was the greatest political experiment ever attempted. It had no precedent. The peoples of Asia had created great civilisations, and formed themselves into strong, well-knit and durable social groups, but their political organisation had seldom risen above the primitive community of the village. In this respect the history of the Aryan invaders of India is most instructive. They seem to have carried with them the same political gifts as their brethren displayed in classical Greece and Rome. They belonged to the stock which created the science and the art of politics. At the dawn of history they dimly appear in India organised in modes which might well have developed into an active political life. But their tribal institutions and self-governing townships withered and decayed under the Indian sun. The kings and emperors who arose after them were ever limited in their action by social and religious influences but never shared their power with political institutions. Therefore when the rising middle class of Indians began to demand political reform, and when the British government began to consider how best to give effect to this demand, neither side could turn for guidance to oriental political experience and were compelled to base their plans on the alien ideas of the west. Hence the purely British form taken

alike by the demands of the Indian National Congress and the provisions of the various statutes designed to change the nature of political power in India.

Such is the subject-matter of the following pages. It presses closely on the events of to-day.

> Incedis per ignes
> Suppositos cineri doloso.

Perhaps the more accurate and sober the statement, the less likely it is to win general approval. But the present work may at least claim to gather together in a single volume not only a wealth of personal knowledge and experience but also the information scattered through a multitude of blue-books, of statutes, of acts of the Indian legislatures; to present the views of policy uttered both by governors-general and secretaries of state and by Indian political leaders; above all at the present moment it aspires to show clearly and firmly the historical background, without some knowledge of which political decisions become matters of mere sentiment and chance.

H. H. D.

September 1932

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CHAPTER I

IMPERIAL LEGISLATION AND THE SUPERIOR GOVERNMENTS, 1818–1857

THE imperial legislation relating to India in the first half of the nineteenth century is above all remarkable for the consistency of its course and the steady development of the policy which it was designed to promote. From the great India act of 1784 down to the statute which at last in 1858 abolished the administrative functions of the East India Company, there was a gradual, persistent evolution, inspired by a common group of ideas, directed to a common object, and founded on principles in origin free alike from heady enthusiasm and obstinate fear of reformation. The principles were derived from Burke, but greatly modified by Whig traditions. Burke, of course, though long a follower of the party, had never been a real Whig. He lacked the background—the orderly conduct of a great estate—which was essential to the formation of the true Whig character. His zeal and sympathy were not balanced by the practical experience of directing men and managing great affairs. He was a poor judge of character, unable to detect the shallowness of Francis, and a poor judge of events, unable to gauge the nature of Indian developments. Neither his mistaken enthusiasm, nor Fox's party spirit, nor Sheridan's venal rhetoric, was in fact capable of forming a system on which the nation's Indian affairs might well and wisely be controlled. That was left to men who, no longer of the party, had carried with them much more of its spirit than remained behind. The ideas and purposes of the legislation carried through by Pitt and Dundas and Buckinghamshire have already been described.[1] But it will be convenient here to begin with the ideas of 1813, for these appear and reappear not only in legislative principles but also in the actual administration of the period, so that they form the most appropriate introduction to the present volume.

The most notable expression given to the ideas current in 1813 was assuredly the great speech delivered by Lord Grenville,[2] to which even forty years later men turned back for inspiration and guidance. Like his successors, he was struck by the strangeness of the task. "On precedents we can here have no reliance. The situation is new; the subject on which we are to legislate knows no example. Our former measures would be deceitful guides." Nor had the time come for any final regulation of this most perplexing matter. Three points, he

[1] *Vide* v, 313 *sqq.*, *supra.*
[2] Hansard, xxv, 710 *sqq.*

said, required special attention. The first was the need of declaring the sovereignty of the British crown in India, as

> the only solid basis on which we can either discharge our duties or maintain our rights....The British crown is *de facto* sovereign in India. How it became so it is needless to enquire. This sovereignty cannot now be renounced without still greater evils, both to that country and to this, than even the acquisition of power has ever yet produced. It must be maintained...That sovereignty which we hesitate to assert, necessity compels us to exercise.

But it should be exercised first to provide for the welfare of the Indian population, next, but ranking far below the first, to promote the interests of Great Britain. In Grenville's eyes there was no conflict between the two. "Pursued with sincerity and on the principles of a just and liberal policy, there exists between them a close connection, a necessary and mutual dependence." Oppression must be prevented, light and knowledge must be diffused. The government must be separated "from all intermixture with mercantile interests". But it would be fatal to the constitution of Great Britain if the Company's patronage were ever vested in the crown or exercised by any political party. Perhaps, he suggested, writers might be chosen "by free competition and public examination from our great schools and universities".

The act then passed was far less comprehensive than the speaker desired. The Company was again entrusted for a further period of twenty years with the administration of the Indian territories. Its trade was continued. But it lost the monopoly of the Indian trade; British-born subjects were to be admitted under less arbitrary restrictions; the sovereignty of the British crown was asserted; and provision was made for the development of an educational policy. Then with an easier conscience the legislature abandoned for twenty years the difficult and unfamiliar study of Indian problems. One might suppose that the words of Grenville had been forgotten. But it was not so. The general ideas which he expressed continued to dominate the minds of legislators not only in 1833, but in 1853 as well. The sovereignty of the crown was not only asserted but was reinforced. The Company was maintained in its functions, but its structure was transformed, and its mercantile interests eliminated. Great efforts were made to improve the administration in India; and at last the method of selecting the administrative service first advocated by Grenville was adopted.

But this consistency of effort exhibited also the defects of its qualities. Admirable as were the ideas of Grenville in their time and place, they were liable to exhaustion by the development of affairs. The time was to come when they would be inadequate guides, when they would need to be replaced by a new set of ideas, when the changes introduced by this consistent policy would require recognition. But unluckily the act of 1853 exhibits no inclination to set off on a new

departure. Its changes were few, stereotyped, imperfect. The motive powers of the ideas underlying it were in fact exhausted, and no new ideas were as yet powerful enough to take their place.

Neither of the acts of 1833 and 1853 was in any way intended to be definitive. The need of caution was still deeply felt. As Macaulay said in the debates on the bill of 1833, "We are trying...to give a good government to a people to whom we cannot give a free government". Even James Mill, that zealot of representative institutions, had declared them to be utterly out of the question. Therefore

> we have to engraft on despotism the natural fruits of liberty. In these circumstances, Sir, it behoves us to be cautious even to the verge of timidity....We are walking in darkness—we do not distinctly see whither we are going. It is the wisdom of a man so situated to feel his way, and not to plant his foot till he is well assured that the ground before him is firm.[1]

Twenty years later he was still the advocate of reform with caution. "Such a bill", he declared, "ought to make alterations, and yet it ought not to be final. The bill...ought to be a large yet cautious step in the path of progress."[2] He seems not to have noticed that the steps were becoming shorter, or that the rate of progress was slowing down.

The ideas underlying the bill of 1833 were most clearly expressed in the speech of Charles Grant, afterwards Lord Glenelg, and at that time president of the Board of Control. The first point which he emphasised was the need of abolishing the Company's trading activities and reducing it to a purely administrative body. The union of the characters of sovereign and trader, he observed, was "calculated to give a false impression of the character of the government".[3] In the second place he put the need of improvement in the governmental machinery in India. The presidency of Fort William was overgrown and should be divided into two. Perhaps the governor-general should not be required to supervise the whole conduct of affairs and at the same time to administer a particular government; certainly he ought to be invested with higher powers of control over the subordinate presidencies. In the third place the laws should be amended, the legislatures improved, the anomalous and conflicting judicatures reformed. Slavery should be abolished, and Europeans admitted freely into the country.[4]

To a large extent these projects were carried into law. "This political monster of two natures—subject in one hemisphere, sovereign in another",[5] was made much less anomalous by being required with all convenient speed after 12 April, 1834, to close down its commercial business, and to pension or otherwise provide for its commercial servants, under the superintendence of the Board of Control.[6] Its capital became a charge on the territorial revenues and provision was

[1] Hansard, 3rd Ser. XIX, 512–13.
[2] *Idem*, CXXVIII, 741.
[3] *Idem*, XVIII, 705.
[4] *Idem*, XVIII, 727 *sqq*.
[5] Macaulay, *idem*, XIX, 509.
[6] 3 & 4 Will. IV, c. 85, ss. 4, 6.

made for its repayment in forty years, or earlier should the government of the Indian territories be taken away from it.[1] This was in fact making leisurely provision for the time when the Company might at last be abolished. But at the moment abolition was regarded as premature, for the old jealousy of the executive was still strong. Macaulay expressed the general attitude with customary point and vigour. Authority ought not to be vested in the crown alone, for in such matters parliament could not provide the necessary criticism and control.

> That this house is, or is ever likely to be, an efficient check on abuses practised in India, I altogether deny....What we want is a body independent of the government, and no more than independent—not a tool of the Treasury, not a tool of the opposition....The Company...is such a body.[2]

The problems connected with the Indian governments were less easy of solution. The original bill declared that "the whole civil and military government of all the said territories and revenues in India shall be...vested in a governor-general and counsellors...".[3] But this proposal met with criticism in both the Commons and the Lords. It was felt that it would overwhelm the Supreme Government with unnecessary detail and strip the subordinate governments of all authority and credit.[4] It was therefore decided to moderate the section, so as to give the governor-general and council, not the whole government, but "the superintendence direction and control".[5] Another proposal directed to the same end had also to be materially modified. The bill proposed that in future the subordinate presidencies should be administered by governors only, though permitting the Company to appoint councillors where necessary. At the same time an additional Company's servant was to be added to the governor-general's council, making four in all, designed (it seems) to permit the appointment of a representative from each of the four contemplated presidencies.[6] This last change would have been a great improvement, for the governor-general's council possessed no personal knowledge of the subordinate presidencies. But it was thought that the change would lead to too much interference on the part of the central government. The connected proposal to abolish the subordinate councils was eminently distasteful to the Company, for it would have diminished the value of its patronage. The additional Company's servant on the supreme council was therefore dropped, while the existing form of presidency government was continued, though the Company was empowered to suspend the councils or diminish the number of councillors.[7]

[1] 3 & 4 Will. IV, c. 85, ss. 11–17.
[2] Hansard, 3rd Ser. xix, 513, 516.
[3] Bill, s. 30.
[4] Hansard, 3rd Ser. xix, 543; cf. xx, 322.
[5] 3 & 4 Will. IV, c. 85, s. 39; cf. s. 65.
[6] Hansard, 3rd Ser. xviii, 750; Bill, ss. 37, 39, 55, 56.
[7] 3 & 4 Will. IV, c. 85, ss. 40, 56, 57.

The draft provisions regarding legislation were more successful in procuring parliamentary adoption. At this time each of the three presidencies enjoyed equal legislative powers; though the governor-general possessed a legal right of veto over the legislation of the subordinate governments, it had in fact been little exercised.[1] Thus had come into existence three series of regulations, as these enactments were called, frequently ill-drawn, for they had been drafted by inexperienced persons with little skilled advice; frequently conflicting, in some cases as a result of varying conditions, but in others merely by accident; and in all cases enforceable only in the Company's courts because they had never been submitted to and registered by the king's courts. Besides these were the uncertain bodies of Muslim and Hindu law, uncertain because of a variety of texts and interpretations, and still more uncertain because of the varying application which they received in the courts themselves. Lastly came English statute and common law and equity, applied by the king's courts. These conflicting series of laws were enforceable by two different and generally hostile judicatures, with ill-defined jurisdictions. In general the king's courts exercised jurisdiction within the limits of the presidency towns of Calcutta, Bombay and Madras, while the Company's courts exercised jurisdiction over the dependent territories. But apart from this territorial jurisdiction, the king's courts possessed a personal jurisdiction over British-born subjects, in some cases involving jurisdiction over Indian-born subjects. This particular aspect of the matter was clearly destined to be of growing importance. The doors of India, as the directors said, were to be "unsealed for the first time to British subjects of European birth". Englishmen, who had till then resided in India on sufferance, were to acquire a right to reside and even to acquire land there. Since the Company's trade was to cease, a large number of merchants and traders were expected to settle in India to take advantage of the change.[2] It was evidently inexpedient that the two classes of subjects, Indian and English, should continue to live under separate laws administered by separate courts or that the latter when accused of wronging the former, or accusing the former of wrong, should be able to insist on the issue being tried by a strange, unsuitable and probably very distant court.

For these various and cogent reasons it was resolved to modify the legislative authority in India, to extend its legislative competence, and to prepare for a general reform of the judicial system. The subordinate governments, it was felt, should lose their legislative authority altogether—a measure which appears the more natural when it is remembered that it was also intended at first to abolish their councils. The existence of three legislatures had added much to the complexity of the legal system, the simplification of which would

[1] Hansard, 3rd Ser. XVIII, 727.
[2] Dispatch to the Government of India, 10 December, 1834 (Ilbert, 1st ed. Appendix).

be aided by concentrating all legislative authority in a single body. This change was also supported by the proposed extension of power, which parliament would concede least unreadily to the governor-general and his council. It was therefore decided to transfer all power of making laws to them; and it was thought that the need of special laws to suit local peculiarities would be sufficiently met by empowering the presidency governments to submit to the governor-general and council draft laws to be enacted or not as might seem best.[1]

The powers granted to the governor-general and council were much wider than any till then entrusted to an Indian legislature. They could make laws to repeal, amend or alter

> any laws or regulations whatever now in force or hereafter to be in force in the said territories..., and to make laws and regulations for all persons, whether British or native, foreigners or others, and for all courts of justice, whether established by His Majesty's charters or otherwise, and the jurisdiction thereof,

except that they could not modify the new act, the mutiny act, any future act of parliament relating to India, or the sovereignty of the crown. But apart from this limitation all their acts should possess "the same force and effect" as any act of parliament, and "shall be taken notice of by all courts of justice whatsoever within the said territories".[2]

These were full powers for a dependent legislature. Their particular importance lay, however, in one main point. Till 1833 no Indian legislation had the least effect in the Supreme Courts. It is true that provision had been made by which an Indian regulation would become binding on those courts once it had been registered by them. But such registration had lain wholly within the pleasure of the courts themselves; and the Indian governments had steadily refused to recognise the veto in effect entrusted to the courts by refusing to submit their acts for registration. Their legislation had thus been binding on Indian residents outside the presidency towns and on the Company's courts established in the Mufassal, but not binding on either Indian or European residents at government headquarters or the king's courts established there. Now it became equally binding on all classes of inhabitants, whatever their place of residence, and on all courts of law, whatever the authority by which they were constituted. In order to complete its powers the new legislature was authorised to modify or define the jurisdiction even of courts established by royal charter, though the latter might not be abolished without the previous sanction of the home authorities.[3]

One object of the earlier statutes requiring regulations to be registered in the Supreme Courts before becoming enforceable in the presidency towns had been to secure the criticism of the respective benches before the laws adopted by the Company's governments

[1] 3 & 4 Will. IV, c. 85, ss. 59, 65. [2] *Idem*, ss. 43, 45.
[3] *Idem*, s. 46.

became universally valid. Experience had indeed shown that the presidency governments needed more expert advice on legislative drafts than could be provided by law officers chosen from the local bar. The new act for the first time made provision for this. An additional member of council was to be appointed by the Company with the approval of the crown. The definition of his qualifications was purely negative. He was not to be a member of the Company's civil or military service. The only formal indication of the part he was to play consisted in the declaration that he was to have rights of speech and vote only at meetings of the council for the consideration of legislative business.[1] The office thus obscurely defined was that of law member. The appointment was important in two ways. It constituted the first step taken in India towards the establishment of a legislature separate from the executive; and it provided the council with a legal expert to criticise, amend or draft legislative proposals.

"The concurrence of the fourth member of council may be wanting to a law", wrote the directors, "and the law may be good still; even his absence at the time of enactment will not vitiate the law; but parliament manifestly intended that the whole of his time and attention, and all the resources of knowledge or ability which he may possess, should be employed in promoting the due discharge of the legislative functions of the council. He has indeed no pre-eminent control over the duties of this department, but he is peculiarly charged with them in all their ramifications."[2]

And although he was entitled to sit and vote only when laws were under consideration, the Company advised that he should be permitted to sit at the executive meetings of the council.

"An intimate knowledge", it wrote, "of what passes in council will be of essential service to him in the discharge of his legislative functions. Unless he is in the habit of constant communication and entire confidence with his colleagues; unless he is familiar with the details of internal administration, with the grounds on which the government acts and with the information by which it is guided, he cannot possibly sustain his part in the legislative conferences or measures, with the knowledge, readiness and independence essential to a due performance of his duty."[3]

The advice was followed. Macaulay (the first law member) and his successors were summoned to the ordinary as well as to the legislative meetings.

The third measure taken in this connection was the creation of an entirely new body. The governor-general in council was directed to appoint "Indian law commissioners", who were to enquire into the jurisdiction, powers and rules of all courts and police-establishments, all forms of judicial procedure, and the nature and operation of all laws, civil and criminal, written or customary, and to propose any necessary alterations, due regard being had to the rules of caste, and the religions and manners of the people. They were to follow such instructions as they should receive from the governor-general in council, and to draw the pay that the latter should appoint in the

[1] 3 & 4 Will. IV, c. 85, s. 40. [2] Dispatch, 10 December, 1834, *ut supra*. [3] *Idem*.

scale next below that enjoyed by members of council.[1] Thus came into existence the first Indian Law Commission. It was designed to fulfil a double object—to unravel the tangle of existing laws and to advise on new projects of legislation. In both points the new body (over which Macaulay and his successors presided without additional pay) achieved much. It was employed by the new legislature to consider and report on projected laws submitted by the subordinate governments, and its reports form an interesting and very valuable part of the legislative proceedings of the period. But its other and indeed its principal object proved more difficult than had been expected. Macaulay in 1833, with his usual lucid and specious gift of statement, persuaded himself and the House of Commons that the ideal moment had come in which to codify the Indian laws, and that codification would be a relatively easy, rapid process, which should be undertaken without delay. When he became law member, and presided over the commission, he laboured hard to fulfil his promises. He produced the first draft of the Penal Code. But that remained a project until, having been reconsidered, amended, and much improved, it was at last enacted in 1861. The first Indian Law Commission thus only laid foundations on which other legislators were to build.

The act of 1833 dealt with two other matters of great importance —the mode of administering the presidency of Fort William and the position and recruitment of the Company's civil service. Reform of the government of Bengal was long overdue. The conquests and policy of Wellesley had greatly expanded the territories of a province already over-large. The Agra districts not only lay at a great distance from the centre of government but also included the imperial city of Delhi adjacent to the powerful state of Ranjit Singh in the Panjab. Need therefore existed of a strong and vigilant local authority. Nor was this all. The governor-general in council was responsible for the general administration and policy of all British India as well as for the particular administration of Bengal. This burden was in fact more than he could bear. The detail of Bengal administration tended therefore to be relegated to subordinate authorities. The Bengal Board of Revenue acted largely as the government of the province. A great part of the administration was thus entrusted to revenue servants bred up in a revenue system which more than any other discouraged familiarity with the customs and life of the people.

To this unfortunate system, the evils of which were at the time but partially recognised, the act applied two palliatives. It declared that the territories under the presidency of Fort William were to be divided into two governments.[2] This involved the appointment of a separate governor, but did not necessitate the appointment of a council.[3]

[1] 3 & 4 Will. IV, c. 85, ss. 53–5. [2] *Idem*, s. 38.
[3] *Idem*, ss. 56, 57.

In regard to the dual position of the governor-general in council, though Charles Grant had half-admitted the evils of the existing system,[1] nothing useful was done. The governor-general was declared the governor of the Bengal Presidency. This involved a ridiculous complication of functions. Till the passing of the act of 1833 the governor-general of Bengal in council had also been the superintending government of all British India. But now, in order to mark the new powers and status of the superintending government, it received a new designation—the governor-general of India in council[2]—so that while the governor-general and council had become the central government, the governor-general alone constituted the government of Bengal. The governor-general in council thus had powers of superintendence, direction and control over the governor-general, while the governor of Bengal could overrule the council of India. "A state of things may perhaps occur", the Company observed, "which may in some cases occasion embarrassment."[3] However, another section of the act permitted the governor-general in council to appoint an ordinary member of council deputy-governor of Bengal; and in actual practice the senior ordinary member was generally so appointed. This avoided the absurdity of the legal position; but did nothing to improve the administration of the province, which remained under a minimum of supervision for another twenty years. In these matters the provisions of the act were far from adequate to the needs of the country.

In regard to the recruitment of the Company's civil service the act contained provisions of far-reaching but not immediate importance. As has already been noted, Lord Grenville twenty years earlier had suggested competition as providing the best means of recruitment. This project was now introduced in a carefully limited form. The act directed that estimates of probable vacancies in the civil service should be sent to England annually; the estimates were to be considered by the board, which was to certify to the court of directors what number of nominations—not less than four times the number of expected vacancies—might be made. The nominees were then to be examined under rules to be made by the board and a quarter selected for admission to the Company's college at Haileybury. After three years' studies there, they were to be re-examined and the appointments made accordingly.[4] This system, had it been carried into operation, would have preserved the advantages of nomination while it introduced those of competition. It would have excluded the bad bargains who have always been the misfortune of every system of patronage; it would also have excluded the very clever men, with no interest in India but as a field for their talents, who have been the bane of the system of open competition. Unfortunately the directors of the day

[1] Hansard, 3rd Ser. XVIII, 727.
[2] 3 & 4 Will. IV, c. 85, s. 39.
[3] Dispatch, 10 December, 1834, *ut supra*.
[4] 3 & 4 Will. IV, c. 85, ss. 103–8.

felt more acutely the diminution in the value of their patronage than the advantage of being obliged to exercise their patronage wisely. They hated this infringement of their former privilege. They were quite incapable of rebutting the eloquent arguments with which in the House of Commons Macaulay developed, amplified and defended the plan which he had borrowed and adapted from Grenville's original proposal. But though they might be reduced to silence, their hearts were obstinately unconvinced. In the following year they succeeded in persuading the easy-going president of the board to move an amending bill permitting them to defer the execution of these directions. Macaulay, the one convinced and influential advocate of the competitive principle, had then left England to take up his new office of law member. The proposal was thus smuggled through with little consideration, and the first serious attempt to trench upon the directors' privilege ended ignominiously and without trial. This was a great misfortune. Unrestricted competition, as afterwards adopted, has not lacked its disadvantages. But the plan of 1833 might have worked greatly to the welfare of India.

Beside this fruitless provision should be set another, equally benevolent and even less operative. No Indian subject of the crown "by reason only of his religion, place of birth, descent, colour, or any of them", should "be disabled from holding any place, office, or employment under the said Company".[1] Clearly this did not mean, and was not designed to mean, that all offices were in future to be thrown open indiscriminately to Indians. The clause of the act of 1793 declaring that none but covenanted servants of the Company could hold any civil office carrying over £800 a year salary still remained law;[2] so that except for the new councillorship, which was evidently intended to effect a very different object,[3] none of the higher civil offices were in law open to Indians until Indians were included in the covenanted civil service. The object of the section, as the directors rightly observed, was

> not to ascertain qualification, but to remove disqualification. It does not break down or derange the scheme of our government as conducted principally through the instrumentality of our regular servants....But the meaning of the enactment we take to be that there shall be no governing caste in British India; that whatever other tests of qualification may be adopted, distinctions of race or religion shall not be of the number....You well know, and indeed have in some important respects carried into effect, our desire that natives should be admitted to places of trust as freely and extensively as a regard for the due discharge of the functions attached to such places will permit....Fitness is henceforth to be the criterion of eligibility....There is one practical lesson which...the present subject suggests to us once more to enforce. While on the one hand it may be anticipated that the range of public situations accessible to the natives and mixed races will gradually be enlarged, it is, on the other hand, to be recollected that, as settlers from Europe find their way into the country, this class of persons will probably furnish candidates for those very situations to which the natives and mixed races will have admittance.

[1] 3 & 4 Will. IV, c. 85, s. 87.
[2] 33 Geo. III, c. 52, s. 57.
[3] Cf. Hansard, 3rd Ser. xix, 664.

Men of European enterprise and education will appear in the field; and it is by the prospect of this event that we are led particularly to impress the lesson already alluded to on your attention. In every view it is important that the indigenous people of India, or those among them who by their habits, character or position may be induced to aspire to office, should as far as possible be qualified to meet their European competitors.[1]

The clause therefore became the basis of that educational policy which took shape, in the years immediately following, under the influence of Macaulay more than any other individual.

At a time when the slave question was so prominently in the minds of all men, it was inevitable that the act should attempt to deal with slavery in India. The act as originally introduced directed that slavery in the Company's territories should be brought to an end by 12 April, 1837, or earlier if possible.[2] A little consideration, however, soon made it evident that the question of slavery in India was a different matter from slavery in the West Indies. In India it was complicated by caste, by Hindu custom, by Muslim law. A greater latitude of action was therefore accorded to the government of India. Instead of requiring abolition by a fixed date, the act only directed the governor-general in council to take the matter into consideration, to mitigate the position of slaves in India as soon as possible, and to abolish slave status at the earliest practicable moment.[3] The Company's instructions under this head were shrewd and cautious. It pointed out that remedial measures should be so framed as to leave untouched the authority recognised by both Hindu and Muslim law in the heads of families. Of real slavery in India, predial slavery occurred only in certain limited areas, while domestic slavery was mild. The first reform which it recommended was to make the punishment of injuries inflicted on slaves as heavy as if they had been inflicted on free persons; while it was suggested that emancipation should only be effected where it was desired by the slave, and should always be "a judicial proceeding, investigated and decided by the judge".[4] In social as in political affairs, India was not to be made the subject of wholesale experiments.

As a whole the act, while very imperfect, was permeated by the liberal ideas of the age, and some contemporary comment fell far short of justice. Shore, for example, who should have known better, observed, "Provided each party could gain its own selfish and short-sighted objects, the government of India was thrown into the bargain with as much indifference as if the people in question had been a herd of cattle".[5] The act which approached the slavery question with wise caution, which sought to introduce competition into the recruitment of the civil service, which abolished the Company's trading rights, and envisaged though in an over-sanguine spirit the increased employ-

[1] Dispatch, 10 December, 1834, *ut supra*.
[2] Bill, s. 88.
[3] 3 & 4 Will. IV, c. 85, s. 88.
[4] Dispatch, 4 December, 1834, *ut supra*.
[5] *Notes on Indian Affairs*, I, 390.

ment of Indians and the reform of the Indian law, was a good deal more than a corrupt bargain between two parties in the British parliament. Its defects were of a very different nature. It did not sufficiently reorganise the Indian government. The governor-general should, as had been at first proposed, have been given the assistance of a councillor from each presidency, and should have been wholly freed from the duties of local administration in Bengal. Legislation and administration were both over-centralised. In short the act imposed on the government of India duties too extensive and detailed to be carried out by a single group of men. It was probable, therefore, that the coming years would be marked by an excessive uniformity of policy and a decline in the efficient working of the administrative machine, due to the development of centralisation in advance of communications.

The Home Government under the act remained almost as it had been before, though it was in fact little understood. Indeed the debates of 1853, when the constitution came up once more for reconsideration, revealed the most singular differences of opinion. Some declared that India had been governed by the board, others that it had been governed by the Company. In one way at all events the provisions of the statutes had been considerably modified by usage. The offices of governor-general, of governor, and of fourth member of the governor-general's council, were to be filled by the Company's appointment, subject to the approval of the crown. Further provision had been made in 1833 that vacant governorships or seats in council must be filled by the Company within two months after the receipt of the notification, otherwise its right of appointment would pass to the crown, and persons so appointed would not be liable to recall by the Company.[1] It was therefore expected that normally names would be proposed by the directors for the approval of the minister, who would exercise a veto over their proposals. But the time limit of two months, within which the directors had to propose an acceptable name unless they were to forfeit that exercise of their patronage, greatly though perhaps undesignedly increased the minister's influence in this matter; with the result that in practice names came to be proposed by the minister, and the Company's power of appointment came to be in effect a right of veto.[2]

This became evident almost as soon as the act came into force. Bentinck announced his intention of coming home, and the directors were eager to secure the succession as governor-general to their very distinguished servant, Sir Charles Metcalfe. Charles Grant, still president of the board, objected, and a long correspondence ensued, in the course of which the limited two months almost passed away, and finally the chairman of the court was reduced to writing to the president of the board that he could not accede to any further delay

[1] 3 & 4 Will. IV, c. 85, s. 60. [2] Cf. Hansard, 3rd Ser. CXXIX, 48.

in proposing the name of a possible successor.[1] The power of nomination had already passed out of the Company's hands.

While this question was still at issue, a change of ministry took place, Lord Heytesbury was proposed by the new president and accepted by the court of directors. But before Heytesbury had sailed for India, Melbourne came back into office and resolved that a ministerial supporter should be rewarded with the governor-generalship of India. This was described as a marked breach of precedents. But while it was agreed that a governor-general exercising his office in India should not be recalled by a mere change of ministry at home, it was much less clear that a governor-general who had not yet sailed from England should as a thing of course be permitted to take up his office under a government other than that which had nominated him. The earlier cases—Minto's and Bentinck's—did not illustrate this position at all. The court of directors did their utmost to prevent Melbourne from acting on his resolve. They declared their fear and alarm at any measure which would render "the high and responsible station of governor-general of India subservient to political purposes in this country".[2] But in such cases they were really helpless and were obliged to acquiesce in a change. The discussions ended in the selection of the unfortunate Auckland as the new governor-general.

The reader must not, however, hastily conclude that the Board of Control could impose the man of its choice on the court of directors. The latter possessed and retained down to the end of its political existence the power of recalling any office-holder in India, including all governors and the governor-general himself. Even the most aggressive of presidents was therefore obliged to refrain from proposing persons who would be really unwelcome to the court of directors. On at least two occasions within the period covered by the present chapter was the recall of the governor-general seriously considered, and on one of these it was actually effected. The first case was that of Lord Amherst. In 1825, when the news of the Burma War was followed by that of the Sepoy mutiny at Barrackpore, the directors were so seriously disturbed at the course events were taking that they debated the propriety of recalling the governor-general immediately. The president of the board, Wynn, being unable to dissuade them from this course, Canning was employed to take the matter up with them, in Lord Liverpool's absence; and he succeeded in smoothing matters over with a promise that the papers should be laid before the Duke of Wellington for his opinion.[3] The second case was that of Lord Ellenborough in 1844. Despite his great talents Lord Ellenborough notably lacked the art of managing others. On arriving in India he speedily quarrelled with the whole civil service, preferring to employ soldiers wherever he had any choice, conducting his

[1] Kaye, *Life of Tucker*, p. 480. [2] Kaye, *op. cit.* p. 460.
[3] Canning to Liverpool, 3 October, 1825. Brit. Mus. Add. MSS, 38193, f. 233.

political correspondence through his private, instead of through the political, secretary, and quitting Calcutta in order that he might avoid having to communicate his plans to the members of his council. This not only increased the difficulties of his work in India, but also indisposed the directors who resented the slight thus cast upon their relations and protégés. Incidentally the same cause inspired the peculiar acrimony with which Kaye, usually a fair-minded man, approached every aspect of Ellenborough's conduct. Then too, the governor-general's impulsive character could not submit to be bound even by the rules which he himself had laid down. When president of the board in 1830 he had ordered that no public works costing over 10,000 rupees should be undertaken without the previous sanction of the East India Company; but now he established new and expensive cantonments on his own authority.[1] His Sind policy provoked strong criticism. Above all he regarded both the Board of Control and the court of directors with a scorn far too great to be concealed.[2] In 1843 his close friend, Wellington, had urged him earnestly to display greater prudence.[3] But this was in vain. Early in the following year the directors resolved that he should be recalled. Though there was much truth in the queen's view that this was unwise and ungrateful,[4] the governor-general's conduct had exhibited too many irregularities for the ministry to be able to make any effective defence. Peel therefore acquiesced in his recall, but at the same time gave him a step in the peerage and the Grand Cross of the Bath. With these solatia Ellenborough came home.

In its way this episode was as significant as Auckland's appointment had been. If the latter showed that the ministry possessed the real power of nomination, the former proved that the Company's veto was no empty form, for no ministry would venture to insist on the appointment of a governor-general or governor who might be recalled before he had even landed in India.

In fact the Company retained and continued to exercise a considerable share in the authority exercised by the Home Government. It is true that matters of foreign policy, of war, peace, and alliances, had slipped altogether from its control; and the only way in which it could mark its disapproval was the extreme course of recalling a peccant governor-general. As Wood observed in the debates of 1853, the responsibility for Indian foreign policy lay exclusively with the president of the board and through him with the cabinet.[5] But in fact this was the branch of policy in which an effective home control was least practicable. Macaulay's words—"India is and must be governed in India. This is a fundamental law which we did not make, which we cannot alter, and to which we

[1] Cf. Colchester, *Ellenborough's Indian Administration*, p. 369.
[2] Law, *India under Lord Ellenborough*, pp. 104, 165.
[3] Colchester, *ut supra*.
[4] *Queen Victoria's Letters*, II, 9.
[5] Hansard, 3rd Ser. CXXIX, 764.

should do our best to conform our legislation"—while generally true, were peculiarly true of foreign affairs. The war in Sind, the war with Sindhia, the war with Burma, the wars with the Sikhs, were begun, conducted, and concluded on the responsibility of the governor-general of the day. So that the province in which at London the authority of the board was uncontested was also that in which its authority could be least exercised.

In all other matters the policy of the court of directors had to be taken into serious consideration. The actual relations between the court and the board in this period cannot be determined with precision, for the original and vital conferences, in which their respective views were stated and discussed between the president and the chairs, have left no record other than an occasional private letter. Regular documentary evidence (in the "previous communications") only appears as a rule when the principal points of difference have been cleared away. The best account (so far as the present writer is aware) of these relations is contained in a letter of St George Tucker, who had enjoyed prolonged experience in his repeated tenure of the chairmanship of the Company.

> "The Board", he writes, "have...a general and absolute *restraining* power; but they cannot *propel* us *forwards* if we choose to resist. Our *vis inertiae* alone is sometimes sufficient to arrest their proceedings. The present government have on more than one occasion resorted to a high judicial tribunal for the purpose of coercing us by a *mandamus*; but they signally failed. On a late occasion they ordered us to dismiss all the judges of our court of Sudder Diwanny Adawlut (the head court of appeal in Bengal)—we refused—they threatened to dismiss them by their own authority—they were told that this could only be done by a mandate of recall under the sign manual; but they were not prepared to undertake such a responsibility, and the case was closed by a peevish censure.
>
> "The court of directors still by law retain the initiative; and although by the connivance of their organs this privilege may be rendered of no avail, it has heretofore been asserted with very salutary effect. We are also at liberty to protest, and to expose to public view instances of maladministration; so that, as long as the court shall be filled by independent and honourable men, they may, not only by their knowledge and experience, assist in giving a proper direction to the machine of government, but they can also exert a wholesome influence in checking the career of an unscrupulous government."[1]

Tucker's letter ends on a melancholy note. "I feel most painfully", he adds, "that we are gradually sinking." There was, no doubt, a steady growth during the twenty years following 1833 of the idea that direct crown government was the inevitable and desirable end. In 1833 that idea had been cherished by extremists on the one side like Ellenborough and on the other like J. S. Buckingham. In 1853 the idea was much more widely held. That fact of itself would no doubt have tended to make the president of the board more assertive of his powers and more disposed to push them to their extreme length. But the position of the Company seems to have remained strong

[1] Kaye, *op. cit.* p. 483.

enough to permit an obstinate resistance. At all events the legislators of 1853 clearly felt that the Company would not decline into a mere consultative council without a material change in the existing law. The new act provided for the reduction of the directors from twenty-four to eighteen, and for the immediate appointment of three (rising gradually to six) by the crown. Since at the same time the quorum of directors was lowered from thirteen to ten, it would be possible for the crown nominees to constitute the majority in a thinly attended court.[1] The intention evidently was to prepare for the time when the Company should lapse and its functions be entrusted to a consultative council. This was frankly recognised in debate. Sir James Graham, for example, "believed that the introduction into the direction of a small proportion of directors nominated by the crown would form the nucleus of a consultative body hereafter which should be the council of the sole minister of India named by the crown".[2] It is clear therefore that the plan which was adopted in 1858 was no newly found expedient, but rather a solution towards which men had been consciously working.

Affairs in another direction also had moved so far as to abrogate the chief reason which had demanded the maintenance of the Company. Ever since 1781 the main obstacle to the Company's abolition had been the exercise of the Indian patronage, which no one save Fox had dared seek to appropriate. Grenville in 1813 had indicated an avenue of escape from the dilemma. Macaulay in 1833 had attempted to open up the avenue. Now in 1853 it was decreed that the directors' patronage should cease, that the Board of Control should prepare rules for the examination of candidates for the civil service, that all natural-born subjects of Her Majesty should be eligible to compete, subject to the rules that the board should prepare, and that all appointments should be made on the results of the examination.[3] Given the success of this experiment, men naturally began to look for the disappearance of the Company according to plan in 1873. The Mutiny merely accelerated the foregone and carefully anticipated course of events.

Two other small points show how definitely opinion had developed. When the presidency of the Board of Control had been first instituted, it had been held in conjunction with other important offices, and carried a salary of £2000 a year. When in 1810 it had come to be held alone, the pay had been raised to £5000, but in 1831 "in a hot fit of economy"[4] had been reduced to £3500. It was pointed out that the post had become either a mere stepping-stone to something better or a refuge for the politically needy, that the president "did not fill that office in the cabinet which he ought to do", that there would be constitutional objections to making him a secretary of state, but that

[1] 16 & 17 Vic. c. 95, ss. 2–6.
[2] Hansard, 3rd Ser. cxxix, 70.
[3] 16 & 17 Vic. c. 95, ss. 36–42.
[4] Hansard, 3rd Ser. cxxix, 38.

at all events his salary should be raised to the same level.[1] It was therefore resolved that his salary should not be less than that of a secretary of state[2]—another preparatory step for the change of 1858. At the same time the approval of the crown became in future necessary for all appointments of councillors, whether to the governor-general's council or to those of the subordinate governments.

The act of 1853 thus strengthened the position of the crown half of the Home Government and reflected the growing anticipation of the time when it would be the sole organ of government. Other provisions dealt with the government in India. Some of the most important modified the governor-general's council. The law member became an ordinary member, entitled to speak and vote at all meetings, legislative or executive, of the council,[3] thus removing a disability against which Macaulay had strongly protested. The legislative authority of the governor-general was materially enlarged. Under the act of 1833, while the governor-general at executive meetings could act with one member only and could overrule the decisions taken by a majority, at legislative meetings his presence was not necessary, these three ordinary members could act without him, and he had merely a casting vote. Under the new act no law was to have force until it had received his assent, so that he was given a power of veto which till then had been lodged only in the home authorities. A long step was also made towards further differentiating the legislature from the executive. Under the act of 1833 the distinction between the two had consisted only in the right of the law member to speak and vote. Now a large relative increase in the council was made for legislative purposes. Certain additional persons were to be added under the statutory title of "legislative councillors". These were to consist of a member nominated by each governor or lieutenant-governor, from among the civil servants of at least ten years' standing, the chief justice of the Supreme Court of Calcutta, one of the puisne judges of the court, and, if the Company authorised the step, two more civil servants of at least ten years' standing nominated by the governor-general.[4] Thus the legal element was greatly strengthened, and new provincial elements appeared. An attempt was made in committee in the House of Commons to amend the section so as to introduce on to the council European and Indian non-officials. But this proposal was defeated by the opposition of the president of the board, Sir Charles Wood, who, while favouring the extension of the administrative employment of Indians, declared truly enough that no two Indians could be found to represent adequately the diversity of Hindu and Muslim society.[5] It was afterwards averred that the absence of Indians on the legislative council had facilitated legislation,

[1] Hansard, 3rd Ser. CXXIX, 822, 854.
[2] 16 & 17 Vic. c. 95, s. 33.
[3] *Idem*, s. 21.
[4] *Idem*, s. 22.
[5] Hansard, 3rd Ser. CXXIX, 418 *sqq*.

which by alarming Hindu sentiment had assisted to provoke the Mutiny. But that criticism, while just in itself, probably misses the principal defect of the new arrangement. The natural English desire to create an Indian legislature visibly separate from the executive led inevitably to the formation of a body free in theory but shackled in practice. There was in fact no immediate need to separate executive and legislature. A method, preferable because more elastic and more easily capable of development, would have been to leave the actual legislative organ untouched, but to have attached to it a consultative committee, on which many classes and interests could have been represented and on which there would have been no need of that irritating official *bloc*, the sole purpose of which was to preserve the executive control over legislation in bodies which had been technically invested with legislative power.

Another change of some interest in the legislative sphere was also made. The former act had authorised the establishment of law commissioners in India mainly in order to accomplish the codification of Indian law. This body, though far from inactive, had achieved little beyond drafts that still awaited final revision. Owing to complaints from the government of India that it cost far more than it was worth, it had not been maintained at its full strength, and had been reduced to one member and a secretary in addition to the law member of council who acted as its president.[1] The new act therefore recited the fact that, although numerous reports had been sent to England, no final decision on them had been taken, and authorised the crown to appoint persons in England to examine these recommendations and such other matters as might be referred to them with the approval of the board, and to report what legislation might be expedient.[2]

The Law Commission was thus reconstituted and transferred from Calcutta to London. This change led to mixed good and evil. As will be seen from a later chapter,[3] it at last led to the enactment of codes —the Penal Code, the Criminal Procedure Code, the Civil Procedure Code—which form landmarks in the history of Indian legislation. But its establishment carried with it a hint of a changing attitude towards the legislative authority. The Home Government now had to its hand an instrument by which at more than one period they hoped to control not merely the general policy but also the detail of legislative enactments. From the first Wood seems to have regarded the new legislative council as a tool for the shaping of his projects, and speedily fell out with Dalhousie over the degree of authority and independence which the legislative council should enjoy,[4] and though in 1861 the authority of the council was materially reduced, like disputes broke out between the Duke of Argyll and Lord Mayo.[5]

[1] Hansard, 3rd Ser. cxxix, 562.
[2] 16 & 17 Vic. c. 95, s. 28.
[3] *Vide* pp. 379 *sqq.*, *infra.*
[4] Lee-Warner, *Life of Dalhousie*, II, 236.
[5] *Parl. Papers*, 1876, LVI, 22 *sqq.*

The changes introduced into the administrative structure in India were similarly mixed. The great province of Bengal was at last provided with a separate government. The act permitted the appointment of a special governor or lieutenant-governor.[1] The latter, as the cheaper appointment, was of course preferred. Provision was also made for the creation of a new province if necessary.[2] But against these improvements must be set the change made in the relative pay of lieutenant-governors and of ordinary members of the governor-general's council. Till 1853 membership of the latter had been the highest point within reach of the civil service. But now the annual salary of the councillor was reduced to 80,000 rupees, while that of the lieutenant-governor was raised to 100,000. The ill-effects of this alteration still continue to be felt. The governor-general was deprived, or relieved, of that independent, disinterested advice which might be expected so long as his council did not look to him for further promotion and dignity. But now the councillors were by law provided with a motive for acquiescing wherever possible with the governor-general's views, and the council of the Supreme Government lost the supreme position commensurate with its dignity and duties.

In another respect also the act led up to an unfortunate situation. Macaulay declared he was disposed to judge the bill by the effect which he anticipated from the introduction of open competition on the civil service. He seized the occasion to deliver a most eloquent defence of that system of selecting public servants.[3] Lord Stanley in committee drew pointed attention to one weak side of the plan. Unlimited competition which, in fact, would exclude all Indians from participating he regarded as a step back, not a step forward, for, he said, "while the old system could not have been permanent, the present plan would not be felt as an abuse in this country, whatever it might be in India, and it would therefore be allowed to continue without improvement".[4] But this forecast, which subsequent events confirmed in every letter, fell unregarded.

It has been said that this act of 1853 was mainly based on a memorandum prepared by Dalhousie in 1852.[5] That does not seem to have been the view of Dalhousie himself. "The India bill is a wretched thing", he exclaims; "no wonder Lord John wished to have nothing to do with it."[6] Its great fault lay in its clinging too closely to the ideas which forty years earlier had been wise, far-sighted, liberal, which even twenty years before had been sound and progressive, but which had come to need a revision, expansion, reorientation, which they were not destined to find, either in 1853 or in 1858.

[1] 16 & 17 Vic. c. 95, s. 16.

[2] *Idem*, s. 17.

[3] Hansard, 3rd Ser. CXXVIII, 745 *sqq.*

[4] *Idem*, CXXIX, 784.

[5] Lee-Warner, *op. cit.* II, 219.

[6] *Private Letters of Dalhousie*, p. 260.

CHAPTER II

DISTRICT ADMINISTRATION IN BENGAL 1818–1858

IN 1818 the governor-general was also *ex officio* governor of Bengal. His title was governor-general of the presidency of Fort William in Bengal. In 1833 he became "Governor-General of India".

In 1818 the presidency of Fort William in Bengal included Bengal, Bihar, Orissa, Benares and "the ceded and the conquered provinces" which, including Benares, were styled in 1834 the province of Agra and in 1836 the North-Western Provinces. Between 1818 and 1858 the presidency received the following accretions:

(*a*) the Sagar and Narbada territories, first placed under an agent to the governor-general and then added to the North-Western Provinces;

(*b*) Assam, Arakan and Tenasserim, ceded in 1826 by the king of Burma after the Treaty of Yandabo;

(*c*) pieces of Dutch territory at Fulta, Chinsura, Calcapur and Dacca, ceded in 1824 under a treaty signed in London between Great Britain and the Netherlands;

(*d*) the town of Serampur, sold to the East India Company by the king of Denmark in 1845;

(*e*) an enclave in Sikkim, which was presented to the East India Company by the raja of Sikkim in 1835 and became the site of Darjeeling;

(*f*) a belt of land between the north boundary of Bengal and Darjeeling, ceded after the Sikkim expedition of 1850.

In 1836, however, the North-Western Provinces, while remaining part of the Bengal Presidency and styled the Upper Provinces of Bengal, ceased to be administered from Calcutta and were placed under a lieutenant-governor, without a council, who was given the powers of a governor with certain reservations. And in 1854 Bengal, Bihar, Orissa and Assam, styled the Lower Provinces of Bengal, were entrusted to the charge of a lieutenant-governor without a council. Tenasserim remained directly under the governor-general in council, and Arakan was at first made over to the lieutenant-governor of Bengal but was soon retransferred to the Supreme Government. At the close of our period the lieutenant-governor of "the Lower Provinces" of the Bengal Presidency held charge of the following territories:

	Area in square miles
Bengal	85,000[1]
Bihar	42,000
Orissa	7,000
Orissa (tributary *mahals*)	15,500
Chota Nagpur and tributary states on south-west frontier	62,000
Assam	27,500

It is difficult to realise that these wide territories were long administered by over-burdened governors-general in council who further held charge of the opium manufacture, whether carried on in Bengal or in the North-Western Provinces; of the Bengal salt manufacture; of the marine and pilot establishments; of educational and other institutions in Calcutta with its large European population. Eastern Bengal moreover, for reasons which will be apparent later on, has always presented peculiarly difficult problems to governments, whether Moghul or British. Altogether we can understand that the necessity of placing the Bengal Lower Provinces under a local government was realised long before it was officially recognised. But for many years governors-general were so fully occupied with expanding or consolidating empire, with financial and other anxieties, with prolonged and sometimes irritating dispatches from the directors and the Board of Control, that they found little time for careful attention to the needs of provinces inhabited by a population traditionally unwarlike and apathetic. That Bengal was under-administered, that its conditions demanded continuous and thoughtful care, if abuses were not to grow and multiply, was doubtless true. But what of this, when the responsible government was preoccupied with French intrigue in the peninsula, or a Maratha war, or trouble with Sikhs and Afghans; when the directors were insisting on strict economy, or parliament was interested in some spectacular phase of Indian affairs? Now and then, indeed, as we shall see, a governor-general would suddenly awake to the existence of unsatisfactory conditions in the capital province and would resolve on drastic reform. But soon his attention was perforce directed elsewhere, and in any case his span of office was brief. His successor arrived preoccupied with large general interests. And so Bengal remained generally neglected until her crying needs compelled particular remedies. In 1826 Sir John Malcolm had urged the advisability of separating the duties of the governor-general altogether from those of "the local government of Bengal", and so "withdrawing his high name from those minor acts which must always agitate a community composed like that of Calcutta". Seven years later, by the Govern-

[1] Figures taken from Bengal, Bihar and Orissa. Administration Report (1855–6).

ment of India Act of 1833, the governor-general was empowered to appoint a member of his council to be deputy-governor of Bengal when absent from Calcutta himself, and to invest the deputy with the whole or part of a governor's powers. As British India expanded and governors-general were necessarily often absent from Bengal, the capital province passed more and more into the charge of deputy-governors selected, as a rule, only because they happened to be senior members of council. Writing in 1852 George Campbell observed that the existing deputy-governor of Bengal had served with credit in the army for fifty-two years, but had never enjoyed experience of civil affairs. He was the latest of nine successive governors (i.e. governors-general or deputies) who had administered the province for the past twelve years.[1] "It is no wonder", Campbell added, "that such a government is inefficient, that nothing has generally been done beyond mere routine, and that Bengal has suffered in consequence."[2] What was apparent to Campbell was equally apparent to Lord Dalhousie.

> "Parliament", said that indefatigable proconsul, "has lately supplied a remedy for that great deficiency which pervaded the entire system and was felt in every department of the administration. I mean the want of a lieutenant-governor who should be able to devote the whole of his time and capacity to the Lower Provinces alone."[3]

On Dalhousie's recommendation, when the Company's charter was renewed in 1853, Bengal, Bihar, Orissa and Assam became the charge of a lieutenant-governor. On 28 April, 1854, F. J. Halliday took over the new office.

By far the greater part of the province of Bengal, Bihar and Orissa was governed on a system laid down by elaborate regulations which since the days of Hastings and Cornwallis had gradually been evolved at Calcutta. But much territory had been added to the British dominions in Northern India since those early days; and it was plainly impossible to govern all the new peoples in accordance with the letter of the law in the older provinces. Within those provinces, too, were primitive races, distinct from the ordinary population, who, without protection, fell easy victims to grasping money-lenders, tyrannical police, rapacious landlords and pleaders. For simple peoples, as simple a system of administration as possible must be devised which would bring them closely into touch with British officers, and would conform with the spirit but not with the letter of the Bengal regulations. Arrangements were made accordingly whereby the peoples of newly annexed territories or of tracts inhabited by aboriginal tribes were governed under a "non-regulation" system. Sometimes, too,

[1] Lord Curzon, however, says: "Eight such appointments with the title of President of the Council of India and Deputy Governor of Fort William and the Town of Calcutta were made between the years 1837 and 1855". (*British Government in India*, II, 74.)

[2] *Modern India and its Government*, p. 228.

[3] Minute dated 24 April, 1854.

it was found necessary to withdraw particular districts in the older provinces from the operation of the general regulations and to govern them on less elaborate principles. In Bengal, for instance, on the north-eastern frontier of Rangpur this plan was necessarily followed.[1] Assam, Arakan and Tenasserim were made non-regulation territories; and so were the south-west frontier tracts of Orissa and the tributary *mahals*. So were later the Jalpaiguri and Darjeeling districts and the hill tracts of Chittagong. The British executive in non-regulation territories was composed of military as well as of civil officers. But our main concern is with the more complex regulation system, which prevailed over the greater part of the Lower Provinces of the Bengal Presidency.

Cornwallis had left Bengal proper, which then included some areas now in the province of Bihar and Orissa, divided into sixteen very large districts. These districts were gradually brought under systematic management. At first they were suffering badly from the effects of years of chaotic administration combined with the devastation wrought by the famine of 1769–70. From a modern point of view, they had so far hardly been administered at all. For long centuries there had been vague confusion varied by the consolidation of some central power strong enough to enforce payment of revenue and raise military levies when required. In later years there had been Maratha raids, wars, Clive's dual system of governing, later experiments, and the appalling ravages of a severe famine unmitigated by remedial measures. The consequences of so dismal a past were grievous; and systematic administration could only make way by degrees. When it began, tracts of culturable land were overgrown with jungle and infested with wild beasts. Banditti were swarming, and freebooters from over the border made frequent incursions into Bengal and Bihar. As years rolled on, it became plain that districts, territorial units of administration, must be increased. Commerce, business, reference of quarrels to the law courts, grew rapidly; cultivation extended far and wide; the ownership of land passed largely from the hands of the big zamindars into those of new families and proprietary communities; it became necessary to subdivide all districts into police-circles and not into large estates of individual zamindars. Here and there non-regulation charges were created because a simpler form of government was required for aboriginal tribes. Two districts, Darjeeling and Jalpaiguri, were formed from new territory. Elsewhere grave defects in existing boundaries, revealed by survey operations, necessitated transfers of villages from one district to another. Arrangements were made whereby in every district civil and criminal and revenue jurisdictions might become coterminous.

Examining the history of the Lower Provinces from Cornwallis's

[1] Bengal Administration Report (1911–12), *Historical Review*, p. 98.

days to these, we find the number of districts increasing before, during, and after our period.[1] Bengal alone now contains twenty-eight districts.

In 1818 the magisterial and police control of a district in the Lower Provinces vested in a judge-magistrate[2] or in one of those district magistrates whose appointment had been sanctioned by a permissive regulation passed in 1810. Police administration in all districts was supervised by four superintendents of police posted since 1808–10 at Calcutta, Dacca, Patna and Murshidabad. The collectors of districts presided over fiscal arrangements only, under the supervision of the Board of Revenue at Calcutta. In 1829 the government of Lord William Bentinck decided to appoint "commissioners of revenue and circuit". Each commissioner was placed in charge of a division embracing several districts. In subordination to the Board of Revenue, he supervised the work of his collectors; and in subordination to the government he superintended the administration of the judge-magistrates and district magistrates. He possessed wide executive discretion, was also sessions judge and held assizes in each district of his division. The duties of the judges of the provincial courts of appeal and of the four superintendents of police were made over to him; and these officials were abolished. In 1831 further changes were ordained. Sessions work was transferred from the commissioners to the district civil judges, who made over their magisterial duties to the collectors. For a brief period the magistrate and collector reappeared in Bengal. But in 1837 it was decided once more to divide his functions; and separate district magistrates were revived. Almost every district had its civil and sessions judge, its collector and its magistrate; but one judge sometimes presided over the civil and criminal judicial work of two districts. The rank of the judge was superior to that of the collector and the rank of collector was superior to that of the district magistrate. In 1845 officers holding simultaneously the posts of collector and magistrate survived in three Orissa districts only.

The leading officers of a district were supported by assistants belonging to the covenanted civil service, and by deputy-collectors and deputy-magistrates, principally natives of the country but often Europeans or Eurasians, belonging to the uncovenanted services recruited by the Government of India. At every district headquarters there were a magistrate's office and a collector's office, which included a treasury, both with ministerial establishments. There were the courts of assistant and deputy-magistrates and collectors and the court of the judge. If instalments of land revenue were not paid into the treasury by appointed dates, estates of defaulters were sold at the collector's office under "the sunset law".

[1] Rai Manohan Chakrabatti Bahadur, *Summary of the changes in the jurisdiction of districts in Bengal* (1757–1916).
[2] Mill and Wilson, *History of India*, VII, 285.

The post of deputy-collector was legally established by Regulation IX of 1833,[1] and that of deputy-magistrate, with or without police powers, by a regulation of 1843.[2] To these posts persons of any religion, colour, descent or place of birth might be appointed. Desiring to give collectors and magistrates special assistance from senior subordinates who would be entrusted with powers wider than those which could be conceded to ordinary assistants, covenanted or uncovenanted, the government of Lord William Bentinck created a rank of "joint magistrate" to which senior covenanted assistants might be appointed. Later on, with the double object of increasing magisterial control over the police and of bringing justice nearer to the doors of the people, joint magistrates were posted to the charge of subdivisions of districts with the title of "subdivisional officer". These officers resided in their subdivisions. Afterwards assistant and deputy-magistrates also were posted to subdivisions which were originally created in a somewhat haphazard fashion. Located with regard to the position of important villages or markets, or in the centre of some outlying part of an extensive district, or in a tract where some big zamindar was playing the tyrant, they developed piecemeal under pressure of varying circumstances. Even in 1856 there were in the whole province only thirty-three subdivisional magistracies.[3]

We have seen that in 1845 only three magistrates-and-collectors remained. But the union of magisterial and fiscal functions also survived in eight "independent" joint magistrates who presided over eight minor districts, offshoots from older districts, and subdivisions still in regard to revenue business, but separate charges in other respects. Taxes were paid in at the parent headquarters treasury; but the "independent joint magistrate", although merely a sub-collector, possessed all the powers of a district magistrate. These arrangements were designed to secure more vigilant and effective magisterial supervision for remote tracts where crime was rampant.[4] Seven of these semi-districts were converted into ordinary district charges in 1861.

From 1837 to 1854 the experiment was tried of transferring the supervision of the police from the commissioners to a provincial superintendent whose headquarters were at Calcutta. Assam, however, and the non-regulation portion of Orissa were excluded from his jurisdiction. In 1850 Chittagong was also excluded; and in 1854 the office of superintendent was abolished, and the duties were retransferred to the commissioners.

Thus at the close of our period we have district administration in Bengal superintended by commissioners and conducted generally by collectors and district magistrates assisted by joint magistrates, deputy-magistrates and deputy-collectors. The judicial decisions of

[1] *Historical Summary, Bengal Administration Report* (1911–12), pp. 45–6.
[2] *Idem.*
[3] Buckland, *Bengal under the Lieutenant-Governors*, I, 26, 219.
[4] *Historical Summary, Bengal Administration Report* (1911–12), p. 47.

all magistrates were, except in petty cases, appealable to the district judges, who combined the functions of sessions judge with those of a civil judge. As civil judges they heard appeals from the decisions of subordinate Indian judges. Anxious to give the natives of India a more honourable share in the administration, Lord William Bentinck had very largely increased the jurisdiction of Indian judicial officers appointed to try civil suits. He created a new rank of "principal *sadr amin*" with power to try original suits up to a value of Rs. 5000, and decided that in respect of suits for property above a certain value appeals from the decisions of the principal *sadr amins* should lie not to the civil and sessions judge but to the *sadr* court, the chief (Company's) tribunal of the province. The lowest grade of judicial officer in civil cases was that of the *munsiff*, who had succeeded the "native commissioner" of Cornwallis's days. His decisions were appealable to the district judge.

The districts, averaging toward the end of our period about 3000 square miles in area, were each divided into from fifteen to twenty *thanas* (police-circles). At each *thana* headquarters was an officer styled *daroga*, supported by a clerk, a sergeant and from twenty to fifty armed men, all badly paid. In any considerable outlying town was a small resident force of police under a petty officer. In all villages were *chaukidars* (watchmen) supposed to keep guard at night, to notice the movements of bad characters, to apprehend felons caught *flagrante delicto*, and to report all important matters at the *thana* headquarters. *Chaukidars* generally were appointed by the zamindars of their villages, and any appointment might be vetoed by the district magistrate. But Regulation XIII of 1813, which was the first municipal enactment in Bengal, provided for the appointment in large towns of *chaukidars* who were to be paid by the residents, the preamble laying down the principle that the people for whose benefit and protection such an establishment might be entertained should defray the charge of their maintenance.[1] Ordinary village *chaukidars* were remunerated by the state for watch-and-ward, but in many respects were the private servants of the zamindars from whom they held *chakran* (service) lands upon which the government possessed a limited lien. This arrangement worked badly. The *chaukidars* were useless and corrupt, the supple tools of the zamindars. Although by regulations passed in 1808 and 1812[2] the latter were liable to heavy penalties and even to forfeiture of their lands if they failed to give early information of the commission of offences or afforded countenance to robbers, they had only to establish friendly relations with the police *darogas* to reign as they pleased over weaker neighbours and reap ample profits from the villainies of banditti. The British officers, who alone could prevent such malpractices, were scanty in number, hampered by a

[1] *Bengal District Administration Committee Report* (1913–14), p. 97.
[2] Mill and Wilson, *op. cit.* VII, 288.

faulty and unstable administrative system and served by corrupt and ill-trained subordinates. Moving about was often difficult and generally slow. Lawlessness and violence were frequent and easy.[1] In 1855 the first lieutenant-governor, Sir Frederick Halliday, submitted to the Supreme Government specific proposals for improvement in the pay of the regular district police, admitting that "the outlay though considerable could not be regarded as final, as the police establishment was numerically weaker than it should be for the protection of property and the preservation of good order". In 1856 he further pressed the question, urging the importance of raising the tone of the whole administration of criminal justice in Bengal. The police were bad and the tribunals were inefficient. These two circumstances acted and reacted upon each other. The thirty-three subdivisional magistrates were too few to exercise adequate control. The village *chaukidars* were extremely corrupt.

> "Whether right or wrong", he wrote, "the general native opinion is that the administration of criminal justice is little below that of a lottery, in which, however, the best chances are with the criminals; the corruption and extortion of the police cause it to be popularly said that dacoity is bad enough, but the subsequent enquiry very much worse."

Halliday recommended five indispensable measures: (*a*) the improvement of the character and position of the village *chaukidars*; (*b*) adequate salaries and fair prospects of advancement for the regular stipendiary police; (*c*) the appointment of more experienced officers as district magistrates who should be of a standing not inferior to that of the collectors; (*d*) the appointment of one hundred more deputy-magistrates, and the investment of all magistrates with judicial and executive powers; (*e*) improvement in the criminal courts of justice. He dwelt on the necessity of good roads and of a popular system of vernacular education. In communicating with the court of directors on the whole subject the Government of India recommended a movable corps of military police for each division in the Lower Provinces. After the Santal insurrection, which will be noticed later, the lieutenant-governor, in reply to a reference from the Supreme Government, advised the formation of a body of well-organised and officered military police for the internal defence of Bengal. The corps was raised and was afterwards expanded during the Mutiny, drawing recruits largely from the hardier races of Upper India. The proposals of the lieutenant-governor did not bear general fruit until after 1858; but in 1856 he succeeded in procuring the passing of a Chaukidari (or village police) Act which provided for the watch-and-ward of those larger towns and villages to which it was applied. In them *chaukidars* were appointed by the district magistrates on such salaries as they thought fit. The cost was recovered from the

[1] Buckland, *op. cit.* p. 23.

inhabitants, in proportions assessed by *panchayats*, committees of five leading men. Any surplus available from tax-funds was spent on sanitary and other improvements.

Halliday desired the union of judicial and executive power in all magistrates. He considered, too, that each district should have one head only. The office of magistrate-and-collector should be revived. The case for this reform had been trenchantly stated by Dalhousie. When in 1854, enumerating the defects which called for removal in Bengal, that great governor-general gave the first place to "the separation of the offices of collector and magistrate contrary to the system which had long prevailed in the lieutenant-governorship of the North-Western Provinces".[1]

These views were warmly advocated by Halliday; and Dalhousie's successor, Canning, recorded, in a minute dated 18 February, 1857, that as regarded the people, the patriarchal form of government was most congenial to them and best understood by them; and as regarded the governing power,

> the concentration of all responsibility upon one officer cannot fail to keep his attention alive, and to stimulate his energy in every department to the utmost whilst it will preclude the growth of those obstructions to good government which are apt to spring up where two co-ordinate officers divide the authority.[2]

This decision was endorsed by Lord Stanley, secretary of state for India, in a dispatch dated 14 April, 1859. The change was rapidly carried out, and at the same time seven of the eight "independent" joint magistracies were converted into districts.

The reform was one of great importance. The magistrate-and-collector, or district officer of our period in Bombay, Madras and the North-Western Provinces, was practically a local governor, exercising a wide-ranging superintendence over his district and regarded by its people as their helper and ruler. In discharging his responsibilities he derived great advantage from the combination of his powers. During the hot season he remained at his headquarters unless called to some outlying place by an emergency. But at the beginning of the cold weather he "went into camp", i.e. toured over his district with tents and a small office establishment. Halting here and there, he visited and inspected police-stations, superintended police arrangements generally, visited schools, examined all matters connected with the expenditure of local funds and the welfare of the people. As collector he presided over a large revenue and land-records establishment distributed throughout his district, and devoted careful attention to the doings of officials responsible for the collection of revenue and the proper maintenance of village accounts and registers. In the North-

[1] Dalhousie's minute is quoted in full in Chakrabatti's *Summary of the changes in the jurisdiction of districts in Bengal.*

[2] Buckland, *op. cit.* pp. 24–5.

Western Provinces his district was divided into *tahsils* (revenue sub-divisions which were distinct from police-circles), each with a head-quarters office and treasury, presided over by a *tahsildar* or sub-collector of revenue who was invested with petty magisterial powers and in education and status was decidedly superior to the average *thanadar* (police-station officer). The revenue was paid into the *tahsil* treasuries; and through the *tahsildars* the district officer was kept in constant touch with rural affairs. Subordinate to the *tahsildars* were *kanungos*, travelling inspectors of the registers kept up by *patwaris* (village accountants). The energy and practical ability which were necessary qualities for a good district officer were essential also for a good *tahsildar*.

"The magistrate", says Campbell, "may be considered the delegate of the ruling powers of the government, the collector its agent in everything that concerns its own interests and the interests of those connected with it in the land; but the two duties are intimately connected, and the functions materially assist and affect one another."

A magistrate-and-collector was kept in check by a liberal, widely understood, and freely exercised power of appeal from his decisions. He was in all executive and revenue matters subordinate to his commissioner and was liable to see his judicial decisions in criminal cases upset by the sessions judge. Yet in fact he possessed great influence and powers of initiative, and to the people he represented the one embodied authority whom they could easily and frequently approach.

In most Bengal districts, however, during the twenty years which preceded the Mutiny there was no such representative of the government possessed, by virtue of his office, of pre-eminent power and responsibility. It was the duty, the inspiring duty, of no one servant of the Company to watch over and promote the general welfare, from every point of view, of the people committed to his charge. And as one legacy of the Permanent Settlement was the payment of all revenue into the district headquarters treasury, and another was a complete absence of any attempt to register either the tenures and the holdings of cultivators or any changes in the ownership of land, no Bengal collector enjoyed the assistance of *tahsildars*[1] or of any subordinate revenue staff. All orders from headquarters to outlying parts of the district travelled through the corrupt and oppressive police. These administrative shortcomings, and the long years which elapsed before Bengal became the sole charge of a whole-time governor, combined with other consequences of the Permanent Settlement and a wide lack of communications to bear hardly on rural populations.

The government of Cornwallis had recognised its duty "to protect all classes of people and more particularly those who from their

[1] *Tahsildars* were abolished in Bengal, Bihar and Orissa in 1802.

situation are most helpless".[1] It had reserved power to enact such regulations as might be thought "necessary for the protection and welfare of the dependent 'talukdars' (sub-proprietors), ryots (tenants) and other cultivators of the soil". It had ordered that zamindars should give their tenants written leases and that village accountants should keep the accounts of the ryots in registers. But these orders were never carried out. Subsequent governments contented themselves with facilitating collection of land revenue by enabling zamindars to employ, instead of civil suits for the recovery of arrears of rent, such summary processes as arrest, imprisonment or distraint of property. These concessions to the landlords were unaccompanied by any attempt on the part of the government to secure the rights of the tenants by registering their holdings, rents or customary privileges. At first, indeed, tenants were protected by the existence of a large culturable and uncultivated area. They were in demand. But as the country settled and population increased, competition for holdings intensified, and opportunities for rack-renting arose. Summary ejectments became frequent. If the victims appealed to the collectors they were referred to the civil courts, where they were unable to produce written leases in support of their assertions and could not refer the presiding officers to any government record of their rights and holdings. Being in every suit the weaker and the poorer party, they obtained little or no assistance from the *vakils* (pleaders), who were ready to appear for the zamindars. From the latter they received little or no generosity. Many of the big landlords had given place to new men or to proprietary communities, or had leased or mortgaged their villages to money-lending families. Expanding cultivation, rising rents, the fixed and unalterable government demand, the powerlessness of tenants in the civil courts, and the tendency of estates to split into numbers of shares, enhanced the market-value of landed property. Zamindars, lessees, sub-lessees, mortgagees, sub-mortgagees increased and multiplied. In village after village layers of middlemen interposed between the cultivators and the zamindars, who were responsible to the government for payment of revenue. All these interlopers, and the persons from whom they derived their titles, endeavoured to screw as much profit as possible from the tenants, who were squeezed, rack-rented, and driven more and more to the money-lenders. The scramble among those over him for profits from his labours tended to drive the Bengal cultivator nearer and nearer to the wall. But he was sustained by long practice in self-protection; he was favoured by the copious rainfall, the fertilising rivers and the rich soil of his province. Thus it was that in 1852 an observer noted:

> What strikes me most in any village or set of villages in a Bengal district, is the exuberant fertility of the soil, the sluttish plenty surrounding the cultivator's abode, the fruit and timber trees, and the palpable evidence against anything like famine.

[1] Regulation I of 1793.

Did any man ever go through a Bengali village and find himself assailed by the cry of want or famine? Was he ever told that the ryot and his family did not know where to turn for a meal; that they had no shade to shelter them, no tank to bathe in, no employment for their active limbs? That villages are not neatly laid out like a model village in an English county, that things seem to go on, year by year, in the same slovenly fashion, that there are no local improvements, and no advances in cultivation, is all very true. But considering the wretched condition of some of the Irish peasantry, or even the Scotch, and the misery experienced by hundreds in the purlieus of our great cities at home, compared with the condition of the ryots, who know neither cold nor hunger, it is high time that the outcry about the extreme unhappiness of the Bengal ryot should cease.[1]

There is often, however, in Indian villages much which does not catch the eye of a superficial observer but nevertheless gravely affects the happiness of the cultivators. It is not good for simple and illiterate peasants to be driven to distant law courts to plead for ordinary consideration, and when they have arrived at their destination, to find themselves at a serious disadvantage through the absence of registers which should record their status, their rents, the particulars of their holdings. It is not good for them to be placed at the mercy of rapacious landlords, pleaders and court underlings. It is not good for them to be expelled from their ancestral fields for no fault whatever, to see their rights ignored because a paternal government has not troubled itself to ascertain and record those rights. As long ago as 1822 Lord Hastings, in the midst of a thousand cares, found time to ponder over these things. On 1 August, 1822, his government proposed to the court of directors that a survey should be undertaken and a record of rights prepared in the permanently settled districts of Bengal "as being the only real means of defining and maintaining the rights of the ryot". But for the next thirty-seven years all that was ever done was to refer aggrieved tenants to the civil courts, where their chances of success or fair play were obviously indifferent. Surveys of districts indeed began in 1834–5, but these were not cadastral, from field to field, as were surveys in the neighbouring North-Western Provinces. In the Lower Provinces village boundaries were demarcated, and useful statistics were prepared; but nothing was done to secure the position of the cultivators. In short, the revenue system bequeathed to Bengal by Cornwallis did not conduce to the happiness or content of the people, and its defects and omissions tended to obstruct free and beneficial intercourse between district officers and the rural population of the province.

Roads were a matter of peculiar difficulty even in western Bengal, where in seasons of heavy rainfall and high floods wide tracts became sheets of water. But eastern Bengal was at all times largely a water country. Its features were thus described by the District Administration Committee of 1913–14:

Those members who have previously been unacquainted with Eastern Bengal are convinced that no one who has not travelled over its rural areas is likely to grasp

[1] Kaye's *Administration of the East India Company*, p. 194.

its difficulties. Communications are more scanty and more inefficient than in any part of India known to us. Traversed by mighty rivers, and tributary streams, visited by abundant rains, these eastern districts are mainly a water-country which yields rich harvests of rice and jute to a teeming population, partly concentrated in a few towns, but mainly scattered over a number of villages. The villages, often close to marshes or winding along the banks of some tortuous stream, generally consist of scattered homesteads, built on whatever rising ground may be available. Often the houses are hidden in thickets of bamboos, fruit-trees and undergrowth. In the rains vast tracts of the country are completely submerged; the houses, each on its own section of naturally or artificially raised land, stand up like islands in the flood; and only a few of the more important roads are out of water. Boats are the ordinary means of transit, and markets spring up on the banks of waterways. Even in the drier weather the country is intersected by streams and creeks. It is easy for wary dacoits to choose their time and prey, to effect their purpose and to disappear, leaving no tracks behind.[1]

It was long held to be doubtful whether the terms of the Permanent Settlement precluded the imposition of cesses or rates on the zamindars in order to provide means of extending elementary education and of making and maintaining roads. The zamindars themselves stoutly maintained that the levy of any such impost would be unjust and contrary to the pledges given them by the government of Cornwallis. This plea was long debated and not rejected till 1870. For years, too, the governor-general in council, hard pressed by war expenditure, failed to appreciate the importance of good roads in Bengal. Some idea of the backward state of communications may be formed from the facts that even in 1855–6 four streams on the Grand Trunk Road (from Calcutta to North-Western India) remained to be bridged, and that only then was a project for bridging the Hughli at or near Calcutta considered.[2] Sir John Strachey describes conditions existent in Bengal about 1854.

There were almost no roads, or bridges or schools, and there was no proper protection to life or property. The police was worthless, and robberies and violent crimes by gangs of armed men, which were unheard of in other provinces, were common not far from Calcutta.[3]

But a better era was dawning. Dalhousie fully appreciated the need of improved communications. He transferred the charge of public works from inefficient military boards to provincial government departments. His engineers metalled a longer mileage of roads than had been constructed by the four preceding governors-general.[4] Before he resigned office a system of trunk lines had been sketched, and the first section of the East India Railway had been opened; the modern postal system had been inaugurated; a telegraph line ran from Calcutta to Agra. Modern India had begun to take shape. Before observing the violent storm which attended its birth, we must notice certain kinds of epidemic crime which, encouraged by adminis-

[1] *Bengal District Administration Committee Report* (1913–14), p. 12.
[2] Buckland, *op. cit.* p. 29.
[3] Strachey, *India*, p. 420.
[4] Hunter, "India of the Queen". Cf. *Imperial Gazetteer*, III, 366.

trative deficiencies and lack of communications, long afflicted the districts of Bengal.

In 1853 Kaye remarked of the India of his day:

hundreds of its natives disappear; and their disappearance is either hardly noted, or it creates no astonishment or alarm. A journey in India is a matter of many months; and numerous are the perils which beset the path of the unprotected pedestrian. Hence it was that whole hecatombs were sacrificed to the goddess Devi, and no one took account of the victims.

He refers to the monstrous crimes of the thags (literally "cheats") who for years infested every part of India except the Konkan in the Bombay Presidency. They were a fraternity of murderers who bore a name earned apparently by their disguises and crafty methods of procedure. Before starting on expeditions to rob and murder, they invoked the aid of the Hindu goddess of strength and destruction, Kali *alias* Devi *alias* Bhawani, consecrating to her the weapons of their trade, the strips of cloth used in strangling their victims and the pickaxes with which the graves of these poor people were dug. "A thag", wrote Captain Sleeman, "considers the persons murdered precisely in the light of victims offered up to the goddess."

It was some time before the Supreme Government awoke to the fact that within their own home territory organised bands of professional and hereditary robbers and murderers, recognised and indeed to a certain extent tolerated by their fellow-men, were committing the most horrible crimes "with as much forethought and ingenuity as though murder was one of the fine arts, and robbery a becoming effort of human skill, nay even were glorying in such achievements as acts welcome to the deity". But when at last the position was understood, a thagi police department was organised under Captain, afterwards Sir William, Sleeman, one of the Company's ablest servants. In the older provinces, however, to catch a thag was far easier than to procure his conviction, for thags "throve upon the legal niceties and the judicial reserve of the English tribunals and laughed our regulations to scorn".[1] So in 1836 a special act was passed by which any person convicted of belonging or having belonged to a gang of thags became liable to imprisonment for life. Thus all that was necessary to secure conviction was to prove association of an individual with these pests of society. Encouraging approvers, Sleeman and his officers by indefatigable and comprehensive operations gradually put an end to thagi, rooting out what he justly calls "an enormous evil which had for centuries oppressed the people and from which it was long supposed that no human efforts could relieve them".[2] By 1852 the guild had been scattered, never again to reassemble; but Bengal had been infested by river thags as well as by

[1] Kaye, *op. cit.* pp. 354–79; O'Malley, *Bengal, Bihar and Orissa*, pp. 346–50.
[2] Quoted, *Calcutta Review* (1860), xxxv, 372.

road thags, and even in 1854 as many as 250 boats manned by these miscreants were infesting the Ganges between Calcutta and Benares.

The struggle against *dakaiti* or dacoity (brigandage) lasted even longer than that against thagi, and had not attained complete success at the close of our period. Warren Hastings had applied "an extraordinary and exemplary coercion",[1] not only against dacoity but also against those whom he stigmatised as its "nursing-mothers", the zamindars and the police. The snake, however, was only scotched. In 1810 Lord Minto observed that "a monstrous and disorganised state of society existed at the very seat of that government to which the country might justly look for safety and protection". Bengal was far more subject to brigandage than more recent acquisitions and less civilised tracts. This anomaly was due to the riches of the country, its long security from invasion, its venal police and unscrupulous zamindars, who frequently regarded their estates "as fields to plunder in, extort and pillage". The dacoits had secured their position by systematic intimidation.[2]

"It is impossible", wrote Minto, "to imagine without seeing it the horrid ascendancy which they have obtained over the inhabitants at large of the countries which have been the principal scene of their atrocities.... In truth the captains of the band are esteemed and even called the hakim or ruling power, while the government does not possess either authority or influence enough to obtain from the people the smallest aid toward their own protection."

Minto initiated a vigorous campaign against dacoity; but in 1823 the pest was so rife in the Purnea district that leases of estates were sought for in the expectation that profits would be swelled by shares from illicit plunder. Afterwards, with the aid of the recently organised thagi police-force, some gangs of dacoits were broken up; but captures seldom ended in conviction as victims feared to testify against their oppressors; so in 1843 an act was passed similar to that previously directed against thagi. To secure conviction it sufficed merely to prove association with a gang of dacoits either within or outside the Company's territories before or after the passing of the new measure. Doubt, however, arose as to the applicability of this enactment to dacoits who did not belong to certain tribes therein specified. In 1851 this doubt was removed by further legislation. Kaye tells us that even then by terrorism, by producing numerous false witnesses, and by availing themselves of the barriers which the complicated machinery of the law placed between "the eyes of the British functionary and the crimes which were committed around him", the dacoits were still glorying in their exploits "as sportsmen do".

In 1852 Wauchope, the magistrate of Hughli, forwarded to the superintendent of police a list of 287 dacoits belonging to three gangs which were concerned in eighty-three dacoities, adding that at least

[1] Bengal Revenue Consultations, 19 April, 1774.
[2] O'Malley, *op. cit.* pp. 305–6; also Mill and Wilson, VII, 284.

thirty-five gangs were then committing depredations near Calcutta. He was himself appointed special Dacoity Commissioner and, assisted by the new enactments, rapidly improved the situation. But the central difficulty of the situation was the fact that the sufferers were too apathetic to defend themselves individually, and even in 1859 the Dacoity Commissioner was still indispensable.

Among the best achievements of the Company's servants in parts of the Lower Provinces were the conversion of restless and savage tribes of aboriginals into generally law-abiding cultivators. The pacification of the Santals, of the Chuars or Bhumij of Manbhum, of the Larka Kols of Chota Nagpur, of the Khonds of the Orissa hills was effected not only by the exercise of superior force which alone could subdue rapine and bloody ferocity, but by methods of conciliation and kindness practised by certain British officers whose names still blossom in the dust.

From time to time religious and agrarian agitation produced relapses into barbarism. Such a relapse was the Santal rebellion of 1855, which arose from the resentment of a tribe of primitive cultivators at their impotence to resist the exactions of Bengali and Bihari landlords. About 30,000 Santals overran a large expanse of country, roasting Bengalis, ripping up their women and torturing their children. The rising was quelled by a strong military force and afterwards the Santal Parganas were constituted a separate district and ruled on a simpler system designed to secure closer personal contact between British officers and the people.

District administration in Bengal weathered the trials of the Mutiny right gallantly. When the storm broke there were in Bengal, Bihar and Orissa only 2400 European soldiers as against Indian forces of more than 29,000. In Calcutta there was a single British regiment. No other British troops were nearer than Dinapur, 380 miles away, where a regiment was employed in watching four Indian regiments and the great city of Patna.[1] In June, 1857, Lord Canning found it necessary to pass a stringent Press Act, operative for one year, which was required rather for Calcutta and Bengal than for Upper India.

> "I doubt", he said, "whether it is fully known or understood to what an audacious extent sedition has been poured into the hearts of the native population of India within the last few weeks under the guise of intelligence supplied to them by the native newspapers....It has been done sedulously, cleverly, artfully....In addition to perversion of facts there are constant vilifications of the Government, false assertions of its purposes, and unceasing attempts to sow discontent and hatred between it and its subjects."[2]

Yet despite all adverse circumstances, despite a general lack of communications, despite defects of administrative organisation already noticed, although hardly a single district escaped either actual danger or the apprehension thereof, so little was the public peace disturbed

[1] Buckland, *op. cit.* p. 6. [2] Donogh, *History and Law of Sedition*, p. 183.

that in submitting his final detailed report on the whole of that troublous period, the lieutenant-governor was able to state that "the outbreak, as far as the Lower Provinces are concerned, had been simply a military mutiny, and there has been at no time anything that can be called a rebellion in the sense in which that term may properly be used".[1]

The people of Bengal are for the most part, as Lord Canning said, "less warlike and turbulent than those of Upper India". But while large sections of them are timid, apathetic and peculiarly susceptible to the domination of unscrupulous terrorism, there were in 1857 many restless and truculent men who desired nothing more ardently than the overthrow of the one power which stood between the province and anarchy. Between all such and the achievement of their designs stood a small band of British officers and the general confidence of the people in the power and determination of the British government.

Here, for the present, we must leave our subject, remembering that, so far, the educational policy adopted in 1835 had hardly touched Bengal outside Calcutta. Even in 1852 there were in the government educational institutions of the whole Lower Provinces upwards of 11,000 pupils only, of whom 103 were Christians, 791 were Muhammadans, 189 were Arakanese, thags, and Bhagalpur Hill aborigines, while the rest were Hindus.[2] Action on the famous Education Dispatch of 19 July, 1854, had barely commenced when it was retarded by the outbreak of the Mutiny and consequent financial difficulties. State education was, later on, to bring in new problems; but to the gross ignorance which prevailed so widely within our period are largely to be ascribed not only certain monstrous evils mentioned in this chapter, but also the general incompetence and dishonesty of the police.[3] The field for the selection of capable and trustworthy government servants was narrow and restricted. This circumstance naturally affected the efficiency of the law courts which were not guided by the carefully considered codes of law and procedure of a later day. The criminal law was then "a patchwork made up of pieces, engrafted at all times and seasons on a ground nearly covered and obliterated".[4]

If we weigh these circumstances with the consequences of administrative mistakes made far away in the past and postponements of Bengal interests to more immediately pressing considerations, if we remember the lack of communications and the physical features of the eastern districts, we shall rather wonder that things went as well as they did than cavil because they did not go better.

It may be asked why, in view of the onerous nature of the task of district administration in Bengal, was no serious attempt made to introduce local self-government? Efforts were made, dictated largely

[1] Buckland, *op. cit.* p. 157.
[2] *Calcutta Review* (1860), xxxv, 372.
[3] Kaye, *op. cit.* p. 614.
[4] Campbell, *Modern India*, p. 465.

by sanitary considerations, to establish a municipal system in towns which were willing to accept one; but Campbell tells us that when a deputy-governor of Bengal had imposed a municipal constitution on a certain town, and the district magistrate tried to "carry out its details", he was "prosecuted" in the Supreme Court at Calcutta by some of the inhabitants and ordered to pay damages as a majority of the inhabitants did not desire the innovation. "Strange to say", remarks Campbell, "the unenlightened Indian public cannot be brought to understand the pleasure of taxing themselves and resolutely decline the proffered favour."[1] Neither for sanitation, nor for maintaining an adequate system of watch-and-ward, nor for any similar purpose, was there any popular inclination to spend money.

[1] Campbell, *op. cit.* p. 261.

CHAPTER III

DISTRICT ADMINISTRATION IN MADRAS 1818–1857

THROUGHOUT this period the history of Madras was generally untroubled. But difficulties arose in the jagir of Kurnool over which the Company had acquired suzerainty in 1800. A disputed succession in 1815 had led to the temporary occupation of Kurnool town; another vacancy in 1823 had involved the arrest of the heir for murder and the installation of Rasul Khan. His freaks might have passed unnoticed but for his buying cannons and repairing forts. Then, agitated by rumours of a general Wahabi conspiracy, the government, in 1839, sent commissioners with troops to make enquiries. The nawab took refuge with his Rohilla and Arab soldiers and a conflict ensued in which the Rohillas suffered severely. Rasul Khan was taken to Trichinopoly, where he diligently attended services at a Christian chapel until he was murdered by one of his servants. The nawab was probably mad, but the affair ended in the annexation of his state, which was administered as a non-regulation province by a commissioner or agent till 1858 when it was combined with other areas to form the present district of Kurnool.

On the west coast Canara became involved in the Coorg War through Coorg holding part of the lowlands, and was the scene of a repulse with considerable loss of a small force advancing from the coast. The war resulted in the restoration to Canara of the patch of lowland, but some malcontents remained there and found occupation in 1837 in chasing the collector and his sepoys back to Mangalore where they did some damage, ill-armed as they were, before they were dispersed.

Malabar had had an unusual spell of peace before the Moplahs (who include Malayali converts to Islam as well as the descendants of Arabs and Malayali women) in 1836 began a series of twenty-two disturbances within eighteen years. There was desperate fighting in 1849 when all the sixty-four Moplahs "out" were killed and the outbreak of 1852 was accompanied by hideous murders in which, for the first time, the Hindu women and children were not spared. Strange, of the sadr adalat, deputed to enquire, attributed the disorders to fanaticism and advocated stern repression. His mission was followed by the murder of Conolly, the collector, and laws[1] were passed for the better prevention of outrages and to deprive the Moplahs of their war-knives. The effect of these measures was disappointing, as will be seen later.

[1] India Acts XXIII and XXIV of 1854 and XX of 1859.

The north had not known peace for generations. It was reported in 1759 that the forms and even the remembrance of civil government seemed to have been wholly lost in the Circars. In Ganjam turmoil had been incessant. Family feud, mutual jealousy, resentment against civil decrees or revenue demands, hatred of the police—there was always some reason for a zamindar to be in arms, some occasion for troops to be contracting fever. Matters came to a head in the Parlakimedi zamindari where rival *ranis* had embroiled the hill chiefs in a feud of nineteen years' duration. In the midst of the trouble the estate came under the Court of Wards whose manager became involved in the fray, and other zamindaris were drawn in too. It was time to settle things once and for all. George Russell, of the board, was appointed special commissioner with extraordinary powers and a large body of troops. A special tribunal was set up to try prisoners. Russell proclaimed martial law. Forts were reduced, the rebels were defeated everywhere, some were hanged, others transported or confined as state prisoners, estate lands were sequestrated. By 1834 the trouble seemed over. But, at the beginning of the operations, Dhananjaya Bhanj,[1] raja of Gumsur, "that tyrannous monster", had been enlarged from captivity by the government, credulous of fair promises, and restored to his estate, and the opportunity seemed to him too good to be wasted. He withheld the revenue and defied the authorities. But the blood of the government was up. Russell was reappointed and the troops set in motion again. Dhananjaya fled for refuge to the Khonds in the hills. For the first time in history the Company's forces entered those fever-stricken tracts. Dhananjaya died, laying injunction on the Khonds not to allow his women-folk to be captured. In this they failed, but they overwhelmed the detachment in charge of Dhananjaya's belongings and killed several of the women to save them from anticipated dishonour. The troops spread over the country and returned to finish their work the following year. The rebellious chiefs were killed, hanged or transported. The Gumsur and Surada zamindaris were declared forfeit. For the first time since 1768 Ganjam had a spell of peace which lasted until the Savaras in 1853, and again in 1856, descended from the hills to plunder and burn. They quieted down when their own huts and crops were burnt in retaliation. In the meantime there had been an outbreak in the Vizagapatam hills which involved military operations for three years. These troublesome Northern Circars, which covered almost the whole of the present five northernmost districts, had been held subject to an annual payment to the Nizam, until 1823, when the liability was capitalised and discharged. The condition of the administration moved the directors to order in 1849 that the Circars should be placed under the direct charge of a member of the board as special commissioner, and this arrangement continued for five or six years.

[1] For his story see the *Ganjam District Manual*.

Russell's operations had results still to be mentioned. One of these was the enactment of India Act XXIV of 1839, which withdrew the hill tracts of Ganjam and Vizagapatam from the operation of the ordinary courts and laws, and placed them under the sole control of the collectors of those districts, styled agents to the governor, an arrangement which still endures. Another consequence demands longer description.

At that time strange and terrible crimes were moving under the surface of Indian life. Timorously but successfully the government had legislated against sati,[1] never much in vogue in Madras. Female infanticide, though known among the Khonds, concerned that presidency little. In 1836 legislative and executive measures were initiated against thagi. That crime, too, was alien to Madras, though, in the 'thirties, gangs were at work in Anantapur, and sundry ruffians were hanged and gibbeted. The crime which Russell's campaigns brought into prominence (its existence had been reported nearly seventy years before) was human sacrifice as practised under the name of Meriah (Mervi) among the Khonds of Ganjam. The victims were bought or were dedicated as children to the earth-goddess. They were treated with veneration till their time came, often after a lapse of many years, and, on attaining maturity, a Meriah boy would be given a Meriah girl to wife; the children born to such a couple were victims by heredity. Sacrifices were so arranged that each family should have at least once a year a strip of flesh for burial in the family-land to ensure good crops. When the victim's turn came, he or she was put to death after strange ceremonies and in revolting ways; the flesh was stripped off, sometimes while the poor wretch was still alive, and distributed. This practice prevailed in the hills of Ganjam, Vizagapatam and neighbouring tracts. A military officer was deputed to stop it and tactfully won over the tribes. In 1842 two tribes agreed to give up the custom, if permitted to denounce the government as responsible for their apostasy. Other tribes followed suit, those of Boad celebrating their conversion by a grand, final slaughter of 120 victims, just half the number immolated on a New Moon Day in 1841. By India Act XXI of 1845 the Government of India placed the localities affected by the custom under the sole jurisdiction of special agents appointed by the governments of Bengal and Madras and the governor of Bengal, and made them amenable to rules framed by itself. This arrangement lasted till 1861, but the last Meriah sacrifice in Madras seems to have occurred in 1855. It is reckoned that between 1837 and 1854 over 1500 destined victims were saved.

A few words may be added here about slavery which, usually in a mild form, existed on the west coast and in the Tamil country. In the former area there were both predial and personal slaves, and there had been some export trade in slaves which, however, was early

[1] Madras Reg. I of 1830.

made illegal.[1] In the latter area the slaves were predial only (apart from a certain amount of slavery "on contract") and the institution was already dying out in 1819.[2] Nevertheless, certain classes of labourers used in some parts to be sold or mortgaged with the land until the passing of India Act V of 1843, which declared that no rights arising out of slavery should be enforced by the courts. Even in the present century, however, deeds of sale of land have occasionally contained a clause transferring to the purchaser the debt which bound the farm-labourers to the vendor by a chain hardly differing from that of slavery.

By 1803 the movements and hazards of half a century had secured to Madras a territory of a hundred and forty thousand square miles. The subsequent changes in the outline of the presidency have been few. Canara gained a bit from Coorg in the war of 1834, but lost more by transfer to Bombay in 1862; the tributary state of Kurnool was annexed in 1839, and certain parings off the Central Provinces were allotted to Godavari in and after 1874. To these alterations may be added the cession to the Company in 1818 of suzerainty over the Sandur state.

The government was composed of a governor and a council of three senior merchants[3] who had power to legislate[4], but were in entire subordination to the governor-general in council at Fort William.[5] Such was the position until 1833 when,[6] with a view to centralise all authority in the governor-general of India in council, as he was thenceforward to be called, the power to legislate was withdrawn and the court of directors was authorised to reduce or abolish any provincial council. This last provision did not receive effect, for the directors, although they reduced the civilian councillors to two, counterbalanced this by adding the local commander-in-chief to the council.[7] In 1786 a Board of Trade and a Board of Revenue had been established, each consisting of three members with a member of council as president. The former body looked after the commercial interests of the Company, but its business dwindled into insignificance after the abolition of the Indian monopoly[8] and it disappeared in 1825. At the outset the Board of Revenue had, extra-legally, certain judicial powers. These were confirmed for parts of the country by Regulation I of 1803, but were extinguished soon afterwards.[9] It became by Regulation v of 1804 a Court of Wards for the presidency and had for many years control over religious and other endowments.[10] Until 1887

[1] 51 Geo. III, c. 23, and Reg. II of 1812 (repealed by Reg. II of 1826).
[2] Revenue Board's Proceedings, 5 January, 1818, and 25 November, 1819.
[3] 24 Geo. III, c. 25, and 33 Geo. III, c. 52. Writers, factors and junior and senior merchants represented at the time the covenanted civil service.
[4] 39 and 40 Geo. III, c. 79, and 47 Geo. III, sess. 2, c. 68.
[5] 33 Geo. III, c. 52. [6] 3 & 4 Will. IV, c. 85.
[7] Political Dispatch, No. 18, 27 December, 1833.
[8] 53 Geo. III, c. 155. [9] Reg. II of 1806. [10] Reg. VII of 1817.

the united board exercised general supervision over revenue matters. In that year the portfolio system was introduced, the number of members was raised to four (the councillor-president had disappeared long before) and the various branches of the revenue administration were distributed among the members as commissioners.

The country was, and is, divided into districts[1] which have varied in number from twenty to twenty-six, and these again into *taluks* which now average about 700 square miles. At the head of the district stands the collector, who first appears on the scene in 1787. The twentieth century found him still the local representative of government; chief magistrate; head of the Land Revenue and Forest Departments; as president of the District Board, supervising roads, schools and hospitals; possessed of a measure of control over the police and municipalities; as a revenue judge, exercising summary jurisdiction in many matters. In his revenue capacity he is in direct subordination to the board, to which body appeals lie against many of his orders, executive and judicial. To collectors were assigned in 1792 covenanted assistants, and, later on, fixed territorial jurisdictions were allotted to the assistant and subordinate collectors in the form of divisions made up of groups of *taluks* wherein they exercise most of the powers possessed by collectors. The *taluks* were from the first under Indian *tahsildars*; above them all the executive officers were English. No practical steps were taken to open the higher executive to natives of the country until India Act I of 1857 authorised the appointment of deputy-collectors, who occupy a position similar to that of covenanted divisional officers.

A Supreme Court had been established in 1801[2] but its jurisdiction was almost wholly confined to Madras town. The administration of justice up-country was conducted under the system introduced in 1802–6 and modified by the legislation of 1816. The reforms of the latter year were designed to reduce expense and hasten disposal by larger employment of native agency, to simplify litigation by reverting to earlier methods whereby civil and criminal cases were largely disposed of in the village, and to ensure greater control over crime by restoring to collectors magisterial powers and the supervision of the police. The central court for up-country purposes consisted of a body of judges presided over by a member of council.[3] On its civil side this tribunal was called "sadr adalat"; on its criminal side, "sadr faujdari adalat". Below this body functioned four provincial courts dealing with most of the civil appeals and with suits over Rs. 5000; these bodies, as courts of circuit, disposed also of all the more important criminal work.[4] In the district the principal civil judge was

[1] Formerly called zillahs, the *taluks* being styled districts.

[2] 39 & 40 Geo. III, c. 79.

[3] Regs. v and VIII of 1802 and III of 1807. This court, as at first constituted, consisted of the governor in council.

[4] Regs. IV and VII of 1802 and XII of 1809.

the zillah judge, assisted sometimes by registers or assistant judges to whom actions might be referred for disposal.[1] The presiding officers of all the above courts were European covenanted civilians, who were assisted on legal points by Indian law officers.[2] Below came three classes of native judges, namely, *sadr amins* to whom suits up to Rs. 300 might be referred,[3] district *munsiffs* who were authorised to deal with suits up to Rs. 200[4] and village headmen or *munsiffs* who had power to dispose of certain cases not exceeding in value Rs. 10 or, with the consent of the parties, Rs. 100.[5] Both the district and the village *munsiffs* were required, on demand, to summon *panchayats*, or bodies of arbitrators, which had unlimited jurisdiction in respect of the classes of cases which might be referred to them.[6]

Within the district the principal criminal jurisdiction was vested in the zillah judge to whom the register gave help as assistant criminal judge, but six months' imprisonment was the limit of the latter's powers.[7] The collector as magistrate and his covenanted assistants as assistant magistrates had a very restricted power of punishment, their main duty being the arrest and commitment of offenders.[8] Certain petty misdemeanours were punishable by *tahsildars* and village headmen.[9] For want of anything better, the Muhammadan criminal law, as interpreted by the law officers and modified from time to time by enactment, was applied in the criminal courts until the Penal Code came into force in 1862.

Such were the judicial arrangements as they stood in 1818; and of the reforms carried out in 1816 none was more important administratively than the severance of the unsuitable association of the judge with the magistracy and police, none more popular than the creation of the district *munsiffs*.[10] It was, in fact, the popularity of these latter officers which rendered ineffectual the effort to revive the old method of adjudication by *panchayats*. Soon afterwards we find the directors pressing for a still more extended use of Indian agency and, as a consequence, provision was made for the establishment of "auxiliary" and "native" civil and criminal courts, possessing in defined areas jurisdiction on the same lines as that exercised by the zillah and criminal judge.[11] The "auxiliary" judges differed from the "native" judges in that they had jurisdiction in respect of Europeans and Americans, but they disappeared in time, whereas the "native" judges, under changed titles (they were known as principal *sadr amins* after 1836), have lasted to the present day. It was at this point that

[1] Regs. II of 1802 and VII and XII of 1809.
[2] Abolished by India Act XI of 1864. They were also employed as *sadr amins*.
[3] Regs. VII and X of 1809 and VIII of 1816.
[4] Reg. VI of 1816. [5] Reg. IV of 1816. [6] Regs. V and VII of 1816.
[7] Reg. X of 1816. The limit was raised to two years' imprisonment in certain cases by Reg. VI of 1822.
[8] Reg. IX of 1816. [9] Reg. XI of 1816.
[10] They took the place of the "native commissioners" of 1802 with jurisdiction up to Rs. 80.
[11] Regs. I, II, VII and VIII of 1827.

a modified form of the English jury-system was introduced into the courts of circuit by Regulation x of 1827.

A new phase opened with India Act VII of 1843. The provincial courts of civil appeal and circuit and the zillah courts were abolished and their civil and criminal powers were distributed between new "civil and sessions" judges of the zillah and the principal *sadr amins* (or the "auxiliary" judges); at the same time the powers of the magistrates were substantially enlarged. In the result, whereas in 1802 no Indian could try a criminal case or deal with a suit valued at more than Rs. 80, an Indian judge might now adjudicate suits up to Rs. 10,000 in value and pass sentences of two years' imprisonment. There was an extension in the same direction later,[1] when district *munsiffs* were conceded a limited criminal jurisdiction.

At the beginning of the present period the zamindari system prevailed in the Northern Circars, Salem, Chingleput and certain other areas; village leases in the Ceded districts, Nellore, the Arcots, Palnad, Trichinopoly, Tinnevelly and Tanjore; ryotwari in Malabar, Canara, Coimbatore, Madura and Dindigul.[2]

As a revenue system, the zamindari settlement was not a success, even where it had for basis the old estates of poligars; as to the artificial estates, or *muttahs*, they came tumbling down almost as soon as they were set up. The process of decay was both rapid and long continued, so that we find the whole of the Guntur collectorate and much of the Masulipatam collectorate passing over from zamindari to ryotwari between 1835 and 1849, and now the system applies to less than one-fourth of the presidency. Certain features of the settlement call for further remarks.

After long discussion in Bengal it was decided that the demand on the estates should be fixed in perpetuity. The principle of an unalterable assessment is not in favour nowadays, but, throughout the first half of the last century, there prevailed in Madras, vaguely felt rather than definitely asserted, an idea that, in all forms of land-revenue settlement, fixity of demand should be aimed at. This view was not always endorsed by the court of directors, but it commended itself to the secretary of state as late as 1862, and in 1868 the Board of Revenue had nothing to say against a permanent ryotwari settlement. Though a rapid rise in prices led to the abandonment of the notion, it was not formally renounced until 1883.[3]

In investing zamindars with "the proprietary right of the soil", the legislature gave rise to misconceptions which had to be corrected later by a declaration that there was no intention to infringe the rights of third parties.[4] There never had been such intention, but the legisla-

[1] India Act XII of 1854.

[2] Revenue Board's Proceedings, 5 January, 1818.

[3] Court's Dispatch, 16 December, 1812 (*Revenue Selections*, 1820, vol. I); Board's Proceedings, No. 6369, 8 September, 1868; S. of S. Dispatch, 28 March, 1883, and Baden Powell, I, 340.

[4] Reg. IV of 1822.

tion of 1802[1] gave insufficient protection to the cultivators, while granting to the zamindars powers of distraint and ejectment which could be challenged only through a regular suit. This defect led to Regulation v of 1822, which brought the collector in as a summary arbitrator between zamindar and occupier, an arrangement which worked with some success until the courts began to admit claims to determine rents on a competitive basis and to alter the customary modes of sharing the crops. Act VIII of 1865 was intended to settle these and other questions but caused much greater confusion by declaring that all contracts for rent, express or implied, must be enforced. The position was not made clear until the Estates Land Act, 1908, came into operation. This elaborate enactment brought the revenue courts into summary operation in all relations between zamindar and ryot, conferred, in express terms, right of permanent occupancy upon most of the zamindar ryots, and enabled others to secure that privilege by means of a small payment. The need for protecting the tenants had been mainly felt in the Telugu country; among the Tamils there had always been a much stronger sense of private property in land and the ryot's claim to occupancy right had generally been accepted. So much for the cultivators. The question whether the zamindars themselves did not need protection was considered by Munro,[2] but nearly eighty years elapsed before anything was done in that direction. Then, when debt and suits for partition had broken up various estates, it became a matter of concern to the government to preserve the rest. The case of indebtedness was met by authorising the government, on request, to place embarrassed estates under the Court of Wards.[3] The other threat had arisen from a change in judicial opinion, the courts receding from the position that impartibility and inalienability attach by general custom to the ancient zamindaris, and holding that the existence of these attributes must be proved for each individual estate. This dictum gave rise to much ruinous litigation, but, after considerable delay, a remedy was provided in the form of a law which imposed restrictions upon the alienation of specified estates, and declared them to be impartible and heritable by a single heir.[4]

The decennial leases, introduced by the Madras Government "to become a fixed settlement if approved" and immediately condemned by the court of directors,[5] were drawing to a close when the present period opens and did not everywhere run their full course. With the expiration of the last of them, the village lease system disappeared except in a few peculiar localities. The decennial leases had been

[1] Regs. xxv and xxxii of 1802.
[2] Minute, 19 September, 1820.
[3] Act IV of 1899.
[4] Act II of 1904, replacing similar acts of 1903 and 1902; see also Srinivasa Raghavachari, *Progress of the Madras Presidency*, p. 245.
[5] Dispatches, 16 December, 1812, and 16 December, 1813.

granted on more lenient terms than the triennial ones, but the general result of the arrangement never came under review. According to the Board of Revenue the leases were working satisfactorily in 1818,[1] but the board was strongly prejudiced and the reports from individual districts are by no means suggestive of success. The board's bias in favour of village leases may, perhaps, be explained in part by the existence in portions of the Tamil country of a tenure to which they really seemed to be thoroughly well adapted. This tenure, commonly known as *mirasi* right, was decaying but sufficiently alive to engender a vast and enthusiastic correspondence in which the varying views of the government are generally in opposition to the varying views of the board. In this tenure the ownership of each village (subject to the usual claim of the state to a share of the produce) vested in a single *mirasidar* or, more commonly, in a body of *mirasidars*. From the tilth the *mirasidars* derived a share of the produce and, in some places, grain-fees also; over the waste they claimed certain privileges. The main controversy arose over the questions whether a ryotwari settlement should be made with the *mirasidars* or the actual cultivators, and whether the *mirasidars* had a right to prevent the state from assigning the waste for cultivation. The former point may be considered to have been settled by the cautious instructions of the directors to respect the rights of the *mirasidars* but to be chary of ousting persons already recognised as owners, and to dispose of all disputes on their merits.[2] On the latter point the final decision was that the *mirasidars* had no power to keep waste out of cultivation, but should have the first refusal of any part applied for by a non-*mirasidar*.[3] The government showed a disposition to go back on this decision, but was vigorously reproved by the board and overruled by the directors.[4]

Officially the *mirasi* system is dead, but traces of it survive in Chingleput, where the ordinary assessment is in some cases reduced to allow of the payment to old *mirasi* families of sums in lieu of former claims upon the cultivators.

Ryotwari falls into three stages, early, middle and late, and the only description common to all is that it is a mode of settlement with small farmers, so small, indeed, that their average holding is, on recent figures, only about 6½ acres. Nowadays the tenure is regarded as possessing the following properties: the registered occupier is, so far as concerns government, free to alienate, encumber and devise his land at discretion; subject to unimportant qualifications, he may at any time relinquish any portion of his holding; he can never be ousted unless he fails to pay regularly the assessment fixed on the land or any

[1] Proceedings, 5 January, 1818. The vigorous style of this paper, a masterly bit of work, shows the warm concern of the board in the result of the duel between village lease and ryotwari.
[2] Dispatch, 18 August, 1824.
[3] Dispatches, No. 8, 28 July, 1841, and No. 17, 3 July, 1844.
[4] Dispatch, 17 December, 1856.

other charge by law recoverable as land revenue,[1] in which case his land may be attached and sold to the extent necessary to discharge the debt;[2] no additional charge may be imposed on account of improvements effected at the ryot's cost, but a separate charge may be made for minerals extracted; the rate of assessment is liable to alteration on the expiry of the specified period for which it has been fixed and then only. But these peculiarities have been of gradual growth; not one of them can be said to have been universally applicable to early ryotwari which, introduced by Read, approved by the directors as an experiment, widely extended by Munro and others, was abruptly brought to an end in some districts by the zamindari settlement, in others by the village leases.

The re-introduction of ryotwari between 1813 and 1822 marks the beginning of middle ryotwari—a period of chaos. To begin with there was no proper basis of survey on which to construct it. Some surveying had been done in early ryotwari, and sometimes done well though unprofessionally, but large areas had not been surveyed at all and in others the survey had been mere pretence; there were no boundary marks, no maps and very few survey-records of any sort. In middle ryotwari nothing was done to cure these defects, and without a proper survey there could be no systematic assessment.

By old custom the ryot and the state shared the crop or its cash equivalent. In theory the ryot generally got about half, in practice often only a fifth or less.[3] Read assigned to the state one-third of the gross value of the crop on dry land and two-fifths on irrigated land; Munro was forced, in the Ceded districts, to give the state nearly half but regarded one-third as the proper figure. Under the Company the assessment was always fixed in terms of money, but the rates attached to different soils had no very close relation to output, even where efforts were made to establish such relation. Extraneous matters were taken into consideration, such as the ryot's caste, his means, even his health; and sometimes the starting-point was a lump sum for the district which was distributed among the villages and then individual demands had to be adjusted to make good the charge on the village. Also the classifier generally had an eye to the old revenue and in places there was little or no attempt to revise the current rates. On the whole the earliest assessments under the Company were too high. The imposition upon early ryotwari of the zamindari settlement here and the village leases there made matters worse, the identification of certain rates with certain fields dropping out of sight. In fact the innumerable rates of middle ryotwari, although supposed to represent 50 per cent. on wet and 33 per cent. on dry,[4] were usually only the traditional rates recorded in the village

[1] E.g. the tax on land leviable under the Local Boards Act.
[2] Act II of 1864, s. 44. [3] Revenue Board's Proceedings, 5 January, 1818.
[4] Cons. No. 951, 14 August, 1855 (*Selections, Madras*, New Series, vol. LIII).

registers which had been open to manipulation by dishonest village accountants; and these traditional rates were in general excessive, varied from village to village, and were not based on any apparent principle. Thus the vice of immoderate assessment infected both early and middle ryotwari and many years passed before there was any systematic attempt to cure the evil. Under Indian rule the demand upon the land had been generally met because village officers and ryots conspired to defraud the state by concealing cultivation and in other ways. Under the closer control of European officers, such practices became more difficult, and the effects of over-assessment were more felt. Even under these conditions agriculture might have made some progress, had it not been for the twenty-year spell of falling prices which began in 1830. The strain due to this cause combined with local customs to produce that multiplicity of methods which render middle ryotwari so complicated. The assessment might be determined by measurement or estimate of the crop on the ground; or might vary from year to year with the rise and fall of prices; or might be fixed for the whole holding which was practically an unchangeable unit by reason of checks upon the surrender of portions; or might be charged on the village, the ryots, village officers or collector determining the individual liabilities, with or without periodical redistribution of land or compulsory transfers of holdings on demand; or it might be settled with the individual in accordance, more or less, with modern principles. It was possible to find in vogue at the same time in one district half a dozen of these methods, all figuring as forms of ryotwari. But, if the growing poverty of the ryots conduced to the appearance of a variety of shifts for raising the revenue, it also forced on the authorities the abolition of objectionable taxes, various local reductions in rates of assessment and the discontinuance of mischievous practices which had come down to middle ryotwari from earlier times. From the outset the custom of holding one ryot responsible for the arrears of another was repudiated. Then the ancient but unauthorised practice of "inducing" ryots to take up more land than they wanted died out, and various checks on the free surrender of land were removed. Ryots' improvements used to be taxed by the levy of higher rates on the valuable crops raised under private wells; but one concession after another was granted, until assessment became wholly irrespective of profits due to well-sinking. The old custom of granting advances to paupers to enable them to carry on cultivation had done much more harm than good, and was abandoned. And, as these practices disappeared, there went with them much of the monstrous system of "remissions" which had grown up in consequence of them and which had converted the annual settlement into a debasing scramble for charity. The various changes which brought the theory of ryotwari to its present form left untouched, however, the main defect—an excessive, unequal and

unsystematic assessment. It was not until 1855 that the government faced the long-overdue reform, and proposed to carry out a professional field-survey of the presidency accompanied by a detailed classification of soils and valuation of them for assessment.[1] It was apparently anticipated that the work could be done once for all in twenty years, but the Survey and Settlement Departments have been busy ever since.

The principles of settlement as laid down on this occasion are on lines essentially modern, but discussion ensued as to whether the state share of the produce should be calculated on the gross crop or on the value of the crop after deducting cultivation expenses and as to the period for which the assessment should remain unchangeable, and it was not until 1864 that it was decided that the government share should be limited to half the net value of the crop. The period of each settlement was then fixed at thirty years, though later it was left to the discretion of the government. Previously there had been no "period of settlement", the ryot holding on indefinitely, for, so long as it was the "general and unhesitating belief" that the ryotwari rates then in force could never be enhanced, that is, up to 1855,[2] the need for fixing a period did not arise. Middle ryotwari ended in each district with the introduction of settlements under the scheme of 1855.[3]

This great reform involved the reconstitution of the Survey Department which, originating in 1800 for trigonometrical and topographical work, had since 1818 been employed on the latter only. The topographical business was taken over, in 1886, by the Government of India, and the department, being then solely concerned with revenue survey, came under the control of the Board of Revenue in 1903, when also, to avoid periodical resurveys, the Land Records Department was fully organised for the purpose of maintaining boundary marks and indicating changes of ownership on the field-sketches.

The ryotwari system of the west coast, as peculiar in some respects, demands a passing notice. Among the scattered farmers of the sequestered valleys of Malabar no village system could arise; in a country where the rajas took their dues in military service alone no room could be found for zamindars. So from the first ryotwari was applied. In 1805 it was proclaimed that the settlement would be with the principal landholders or *janmis*, but difficulties arose because many *janmis* had fled before the Mysore invasion, and the Mysore Government, in introducing a land-tax, had often settled with the principal occupants or *kanomdars*. As a consequence the latter were frequently

[1] Cons. No. 951, 14 August, 1855 (*Selections, Madras*, New Series, vol. LIII). The government pointed out that in thirty-four years there had been hardly any extension of cultivation and that of the registered arable land less than a half was under the plough.

[2] Revenue Board's Proceedings, No. 6369, 8 September, 1868.

[3] For the general subject of the ryotwari system, cf. Nicholson, *District Manual of Coimbatore*, chap. v.

held responsible for the revenue until, in 1889, the High Court declared this practice to be illegal. That decision resulted in Act III of 1896 enabling the collector to determine in whom the ownership resided, and permitting in certain cases the joint registration of both landholder and occupant. But the position of the *kanomdars* is so peculiar that, in the theoretical distribution of the produce in Malabar, three persons are taken into account, instead of two only, namely, the state, the landholder and the occupant. The ryotwari of South Canara resembles in some respects that of Malabar.

Yet another form of tenure calls for notice, as it prevails in not far short of a tenth of the presidency. *Inams* are grants, complete or partial, of the state's interest in land; they may be made in perpetuity or for a period, and commonly take the form of an assignment of the land-revenue derivable from a given area. They were freely granted in support of public offices or charitable or religious institutions, for the maintenance of Brahmans, or for personal and private reasons. In the anarchy of the eighteenth century, this mode of intercepting the public revenue attained monstrous dimensions, many grants being made by persons who had no authority to bestow them, while village officers transferred large areas to themselves as *inam* by mere alteration of the accounts. On British acquisition many of the obviously unauthorised assignments were cancelled and arrangements were made by Regulation XXXI of 1802 for an investigation of titles which, however, the collectors were mostly too busy to carry out. Again, in Regulation V of 1831, efforts were made to check the alienation of *inams* held by village and other officers, and in 1845 an order was passed to stay devolution by adoption, and to limit private charitable grants to existing lives. This last order created a disturbance. Narasimha Reddi, a disappointed claimant of a poligar family pension, secured a following among the "*Kattubadi* peons" of the Ceded districts, who anticipated a resumption of their *inams* and raised a rebellion in 1847. Troops had to be called out and some months passed before Narasimha was caught in the hills and hanged. The incident taught the need for caution, but it was impossible to tolerate indefinitely the serious loss of revenue due to former fraud, and the labour of investigating the incessant disputes which arose over the innumerable assignments.[1] A special commissioner was therefore appointed in 1859 to deal with the whole question on liberal lines, and an enormous number of *inams* were enfranchised in the next ten years, the government surrendering its right to resume, claim service, or restrain alienation in return for a quit-rent. There remain, however, many *inams* which, for various reasons, it has not been deemed proper to enfranchise.

The leading principle of ryotwari, that assessment depends on the nature of the soil, not on that of the crop, though enunciated in a

[1] Cons. No. 951, 14 August, 1855 (*Selections, Madras*, New Series, vol. LIII).

draft regulation framed in 1817,[1] did not receive effect until late in the middle period when the special rates charged on "garden" lands began to disappear, and the principle must always be subsidiary to the primary division of cultivation into "dry" and "wet". There is clear justification for adopting the valuable rice-crop as the basis of the assessment on wet land, seeing that it owes its existence to water from public sources. Most of the irrigation is by "tanks" which vary in size from mere ponds to lakes covering over twenty square miles, and which number in the ryotwari area nearly 32,000 (exclusive of private reservoirs). Almost all the tanks antedate British acquisition but, with the exception of the Grand Anikat (dam) on the Kaveri, native works for the utilisation of river water are few and unimportant. The principal English irrigation works are the Upper and Lower Anikats on the Kaveri and Coleroon, the delta systems of the Godavari and Kistna, and the Periyar dam. The genius of Sir Arthur Cotton found its fullest scope on the Kaveri-Coleroon and Godavari. The Kaveri-Coleroon works were begun in 1836 and, with the remodelled Grand Anikat, they provide water for nearly a million acres. The Godavari dam, first suggested in 1798, was begun in 1846 and secures over half a million acres. Famine gave the impetus which started in 1850 the almost equally extensive Kistna system. The Periyar work is remarkable, not for the acreage served, but for difficulties overcome in carrying out its bold conception. The idea received the approval of "twelve intelligent men" deputed in 1798 by a raja of Ramnad, was condemned later, was revived in the 'sixties and transformed into action in 1884. The dam, 176 feet high, was not finished until 1895.

The origin of the Public Works Department which has done so much for Madras is to be found in the engineering branch of the Military Board established in 1786, but at first irrigation works were in the hands of collectors who were later assisted by superintendents. A *Maramat* (Repair) Department was instituted in 1819 under an Inspector-General of Civil Estimates for whom was substituted later the chief engineer in charge of the Military Board's engineering department. The Maramat Department was placed under the general control of the Board of Revenue in 1825, and was later organised into divisions under civil engineers. The position as determined in 1845 was this: irrigation works, canals, civil buildings and minor roads and bridges were under the Maramat Department; main roads were under a Superintendent of Roads; military roads and buildings and those in Madras town were under the Military Board. The executive officers of the Maramat Department were the collectors and their subordinates, over whom there was little professional supervision. The arrangements generally were strongly condemned by a committee sitting in 1852 and six years later there came into being

[1] *Revenue Selections*, 1820, vol. I.

the Public Works Department in its modern form, as an agency for execution as well as supervision. The Maramat Department then disappeared, but the new department was reorganised again and again, the changes being mainly due to the difficulty in securing effective management of the scattered smaller tanks. Finally, about 1882, there was a partial reversion to the old Maramat system, the revenue officers being made responsible for the ordinary repairs to minor tanks.

At the British acquisition, the poligars, within their dominions, controlled the police and collected not only the revenue charged on the land but also a variety of other taxes. In theory they may have been regarded as mere agents of the Muhammadan government, occupying for their *palayams* the same position as the renters held outside the *palayams* and being remunerated by a commission on their collections; in practice they were much more, collecting on their own behalf, and disgorging only under compulsion. When, however, the zamindari settlement came into operation, the government announced[1] its intention to assume direct control of the police and taxation, and the history of the taxes concerned may now be traced into more recent times.

The *mohatarfa* was a tax on trades and occupations. In any district it might be levied on more than a hundred classes of persons or things (for the implements of business were sometimes taxed), but its incidence and rate were matters of arbitrary distinction and often varied from village to village. "It is a poll-tax, a house-tax, a cattle-stall-tax and a caste-tax. The beggar is taxed because he is a beggar; the widow is taxed because she is destitute"—so it was said in 1842. Though many of these demands had been abandoned, enough remained to render *mohatarfa* a source of much oppression. The only thing to be said for it is that, if, in 1852, a million persons contributed, they did not contribute much. In some places the tax formed a rough income-tax on the profits of trade. This form, called *visabadi*, was brought under formal control by Regulation IV of 1818. The government fixed the total demand on a district so as not to exceed 10 per cent. of the estimated profits of the traders therein; the collector divided this among the *taluks* and the contributors settled the individual demands among themselves.

In Coimbatore one of the items of *mohatarfa* was tobacco. This was first abolished, and then revived, as a separate source of revenue, in 1807, when the sale of tobacco was made a government monopoly in Malabar and Canara. Soon afterwards all the cultivation of tobacco there and in Coimbatore was prohibited except under licence.[2] There were subsequent changes of system, but in every form the tax was accompanied by fraud and "frightful abuses", while in Malabar smuggling arose on so large and determined a scale that troops had

[1] Reg. XXV of 1802. [2] Regs. VII and VIII of 1811.

to be employed to deal with it. The tobacco monopoly and its accompaniments were abolished in 1852.

Embarrassments due to the Mutiny led to a general Indian income-tax which was supplemented by a Licence Tax Act[1] abolishing the *mohatarfa* tax and substituting a system of licences for carrying on trades, industries and callings. This act disappeared in later legislative shufflings, but, to make good the outlay on famine, the licensing system was revived in Madras, and persons carrying on businesses were required, if their incomes exceeded Rs. 200, to pay for licences fixed sums varying roughly according to their receipts.[2] This licence tax was a descendant of the *mohatarfa*. As an item of general taxation it was displaced finally on the revival of the income-tax in 1886; but the *mohatarfa* survives to this day in municipal areas in the form of a graduated tax on arts, professions and callings.

The original *mohatarfa* was a bad enough tax, but the inland *sayer* was far worse. This was a duty levied on articles of all sorts in transit and had developed into a national calamity. The rates were variable and capricious, there was no control over the tax-gatherers who charged practically what they chose, and revenue renters and poligars took to establishing posts and duties at pleasure, so that it was common for goods to come under charge at least once in every ten miles. The injury to trade was mortal. This wicked impost was replaced in 1803 by frontier and town duties leviable *ad valorem* on specified goods crossing the frontier or passing into selected towns.[3] Madras town and the west coast came under separate rules which need not be detailed. The duties were for a time collected by official agency, but there was so much fraud that later the collection of the duties was farmed out.[4] Even in the form finally taken by this impost, it could not be otherwise than mischievous, and it was discontinued under India Act VI of 1844.

Little need be said about the duties on sea-borne trade. They were put on a basis of law in 1803;[5] passed from the control of the Board of Revenue to that of the Board of Trade in 1808;[6] and were replaced under the former authority in 1825. The duties on coastal trade were abandoned in 1844, and in 1859[7] a uniform tariff was substituted for the separate provincial rates theretofore levied.

In Muhammadan times the tax on salt took the form of a share of the output of the salt pans, of a rent for privilege of manufacture, or of a transit duty on leaving the factory. The Company established a monopoly.[8] Manufacture and sale were placed under the direction of a General Agent working under the Board of Revenue, but the immediate management was in the hands of collectors. The government fixed the price for sale to the public, while the agent settled the

[1] India Act XVIII of 1861. [2] Act III of 1878.
[3] Reg. XII. See also amending and repealing Regs. XV of 1808 and I of 1812.
[4] Reg. V of 1821. [5] Regs. IX and XI. [6] Reg. XV.
[7] India Act VII. [8] Reg. I of 1805.

sites of factories and the amount to be made each year. Actual manufacture was conducted by persons having a customary right to make salt, their interests in the output being converted into cash payments. The General Agent was soon got rid of, and the business went on under the board, collectors and their assistants being remunerated for their trouble by a commission which lasted until 1836. To relieve government of the position of sole vendor, and in the hope of improving the quality of salt, an Excise Act was passed (VI of 1871). On the extension of this act to any place, the monopoly system ceased to apply there, manufacture was permitted under licence, an excise-duty became payable on removal from the place of storage, and distribution and sale were left to private arrangement. The monopoly was, however, retained in places as affording a means of controlling the price. From the first there had been much competition with the government salt through the manufacture in places of coarse salt out of saline earths. There was long discussion over the prevention of this practice which at times led to affrays with the police, and it was made an offence in 1878.[1] In that year, too, collectors ceased to be immediately concerned with the salt revenue, a commissioner with a separate establishment taking over control.[2] Soon afterwards the Commissioner of Salt took charge of the Abkari Department also, and in 1887 he became a member of the Board of Revenue. In 1889 a new act replaced the old laws. This made no material change, for it continued both the monopoly and the excise system. There is also in vogue a third system under which licensees for general sale (as opposed to licensees for sale to government) can be required to deliver to government a specified quantity before proceeding to manufacture for sale to the public. Since 1882 the rate of duty on salt has been determined for the whole country by the Government of India.[3]

The *abkari* tax, or tax on intoxicating liquors and drugs, is derived mainly from arrack (distilled as a rule from palm-juice or crude sugar) and toddy (fermented palm-juice). In continuing this old impost, the English administrators asserted from the outset the principle that consumption should be checked. The somewhat uncertain pursuit of this ideal led through such a bewildering jungle of enactments, rules and local practices, that the path taken can be indicated only roughly here. Pursuant to old custom Regulation I of 1808 contemplated leasing the right to make and sell arrack, but it also provided for the licensing of single shops. The collector was responsible and received a commission for his trouble. Later the law was extended to toddy[4] and an alternative system of direct official management was authorised. In practice there was no effective limit to the number of retail shops. These might be separately licensed, usually with a primitive still

[1] Act II. Act VI of 1878.
[2] Act IV of 1889.
[3] India Act XII.
[4] Reg. I of 1820.

attached,[1] or they might be opened under private arrangement with the lessee of the rights of manufacture and sale over a large area. Minimum sale-prices were prescribed but, as they had no relation to strength, they had little effect in regulating consumption. The obvious lack of control led in 1869 to measures for suppressing outstills and concentrating manufacture in large distilleries. The contractor received the monopoly of manufacture and supply for a large area, paid stillhead duty, guaranteed a minimum revenue, agreed to observe certain price-limits and was responsible for keeping down illicit practices. The stillhead duty provided a means of controlling consumption, but the system did not answer expectations and "free supply" came in from 1884. Manufacture and supply were now separated from sale; anybody could get a licence for a distillery, arranging prices with the licensed vendors, and the government undertook prevention. Later came the "contract distillery system" under which the sole privilege of manufacture and supply in a given area is disposed of by tender, the successful tenderer having a monopoly of supply of his own liquor to retail vendors at rates fixed by government and paying stillhead duty on all issues; the right of retail vend is sold annually by separate shops. This is the prevailing system, but in some parts the right of manufacture and sale is still rented out, the number of stills being limited as much as possible, and the number and sites of shops being fixed beforehand. The right to sell arrack has long been separated from that to sell toddy. Fermented toddy is now taxed in the form of rents for retail shops and (in the greater part of the presidency) by means of the tree-tax system under which a fixed fee is charged for each tree which it is proposed to tap under licence.

Act I of 1886 authorised the government to place *abkari* administration under a commissioner, and the Commissioner of Salt was put in charge of it. Since 1887 the commissioner of the two departments has been a member of the Board of Revenue. Finally excise advisory committees, containing a non-official element, were instituted to advise as to the location of shops.

The withdrawal from the poligars of authority over the police was the most important abridgment of their powers effected by Regulation xxv of 1802, but the discharge of the *kavalgars* (watchers) and the resumption of many of their *inams* had unexpected results. Deprived of responsibility and emoluments, the *kavalgars*, who were largely recruited from criminal tribes, had no inducement to restrain the activities of their fellow-castemen. Though no longer recognised by the government, they continued to receive fees from the villagers and became intermediaries in a vast system of blackmail from which the southern districts have never been able to shake themselves free. The tribesmen steal (cattle as a rule), the owner approaches the

[1] In Tinnevelly district, in 1866, there were 3642 stills, and there had been more.

kavalgar, restoration is arranged on terms, and the ransom is shared between the *kavalgar* and the thieves.

The *kavalgars* had been at first succeeded by police *darogas* and *thanadars*, operating, as in Bengal, greatly to their own advantage, under the nominal supervision of the sedentary zillah judges. A reform, inspired mainly by Munro, was introduced by Regulations IX and XI of 1816. The general control was now vested in the collector as magistrate. The principal executive officers were the *tahsildars*, under the title "heads of police", and all the members of their revenue establishments, clerks and peons, were at their disposal for police work. The prime agents of detection were the village watchers acting under the village headmen and accountants. But time revealed defects in this plan also. The superior revenue officers became more immersed in their growing revenue duties; opportunities for mischief by underlings were doubled by their dual capacity. Crime, gang-robbery in particular, reached alarming proportions in some places. The report of the Torture Commission of 1855 rendered change imperative. The commission found torture to be a "time-honoured institution" and spoke of "that perfect but silent machinery which combines the forces of revenue demands and police authority"; witnesses did not hesitate to speak of the police as "the bane and pest of society". The force was now reconstituted on English and Irish lines.[1] Direct control by the district magistrate disappeared and the connection with the Revenue Department was sundered. The administration was vested in an inspector-general[2] assisted by deputies. The village watcher was retained. Each district was supplied with European officers as superintendents and assistants. This system has stood the test of time, which is not to say that the personnel does not admit of improvement.

In natural sequence we come to the jails. Such institutions had been unknown before British rule, and for a long time afterwards any strong building was deemed suitable for the purpose. In these the death-rate generally exceeded 100 per mille.[3] The rules of health were not understood; floggings for breach of discipline were too severe and frequent; still worse, perhaps, the system of paying daily subsistence allowances to prisoners meant that catering was left to jailors who made all they could out of it. These same officers had, in practice, the whole administration in their hands, for, although the zillah judge was charged with superintendence,[4] his occasional visits had little effect. It was not until 1855 that an Inspector-General of Prisons was appointed, and it was ten years later that the beneficial change of appointing the civil surgeons to be superintendents was

[1] India Act XXIV of 1859. The presidency town has been governed by a different series of enactments.

[2] Called, at first, commissioner.

[3] Macleane, *Manual of the Administration*, vol. I, chap. iii.

[4] Reg. VI of 1802. Cf. India Act VII of 1843.

carried out.[1] A committee, appointed at the instance of Lord Macaulay, had, in 1838, advised, among other things, the building of central jails, but nothing was done in this direction until about 1857. A second committee, reporting in 1864, laid stress on this matter and on ventilation, and thereafter there was much building. To the new central jails European officers were appointed as superintendents and the civil surgeons were placed in medical charge. Health was improved by the provision of fixed diet-scales in 1867; behaviour, shortly afterwards, by a system of remissions. The mortality in the triennium ending 1861–2 averaged 81·0 per mille, in the quinquennium ending 1884, 33·3, in the two years ending 1916–17, 11·5. These figures form a sufficient comment on the earlier administration.

The civil surgcons who have just been mentioned belonged to that beneficent body the Indian Medical Service, which was organised in 1786 as an establishment of surgeons and assistant surgeons under a Hospital Board. That board was replaced in 1857 by a director-general and other superintending officers, and in 1880 the Indian and Army Medical Departments (the latter concerned with the European soldiers) were put under a surgeon-general attached to the civil government. The commissioned officers of the Indian Medical Service who, when first associated with the civil administration, were styled zillah surgeons, became later the civil surgeons. The report of the royal commission of 1863 on the heavy mortality among English troops in India led to the creation in Madras of a Sanitary Commission which was soon replaced by a Sanitary Commissioner. That officer was then associated with the civil administration and took over the Vaccination Department which had been running independently since 1805. In 1883 the civil surgeons were supplied with assistants to enable them to tour and became the present district medical and sanitary officers who, besides being the chief physicians and surgeons of their districts, have administrative charge of the district jails and medical charge of the central jails, and are advisory and administrative officers to the municipal councils and local boards to which, since 1871, has appertained the general control of medical institutions, vaccination and sanitation.

[1] Act II of 1865.

CHAPTER IV

DISTRICT ADMINISTRATION IN BOMBAY 1818–1857

UNTIL the commencement of the nineteenth century there was little or no increase in the territorial possessions of the Bombay Government, and consequently no alteration of the system of administration. Bankot was ceded by the Marathas in 1755 in exchange for Gheria (Vijayadrug), which had been taken from Angria by a naval force consisting of vessels of both the Royal Navy and the Bombay Marine. Broach, which was captured by assault in 1772, had to be relinquished in 1779, and was not regained until 1803. The island of Salsette, and Karanja, Elephanta, and Hog islands in Bombay harbour, which had been transferred by Raghunatha Rao, the pretender to the Peshwaship, were likewise relinquished in 1779, and were not restored till the signing of the Treaty of Salbai in 1782. These changes, though politically of importance, did not involve any revision of the administrative arrangements, which had been applied since early days to the Company's factories and settlements. In the case of Surat, however, and the district surrounding it, the year 1759 witnessed the introduction of certain changes which lasted until 1800, when they were superseded by administrative arrangements based on the model of the district administration in Bengal.

The presidency, in the year 1800, included the town and island of Bombay, the islands in Bombay harbour, the island of Salsette, the outlying station of Bankot (Fort Victoria) in the South Konkan, and the town and district of Surat. The local governor and council passed by the Regulating Act under the influence, and by the India Act under the control, of the governor-general and council of Fort William. Justice was administered by the Recorder's Court set up in 1798 to supersede the existing Mayor's Court and Court of Quarter Sessions. All British subjects resident within the territories subject to the Bombay Government, as also those resident in the territories of native princes in alliance with that government, were amenable to its jurisdiction. The Recorder's Court continued to function until 1823 when it was superseded by a Supreme Court, composed of a chief judge and two other judges, and modelled on the Supreme Court of Judicature at Fort William.

In 1799 another development occurred. Ever since 1759 Surat, though remaining under the nominal authority of the nawab, had been in fact administered by one of the Company's servants, at first styled "Chief for the Affairs of the British Nation and Governor of

the Moghul Castle and Fleet of Surat", and later called "lieutenant-governor", subordinate to the governor and council in Bombay. In 1799 the last nominally independent nawab died. The Bombay Government then arranged with his brother to assume the whole administration of the town and district, and by a proclamation of the governor of Bombay, 15 May, 1800, the district of Surat, as then existing, was placed in charge of a collector and a judge and magistrate, one of whom, generally the judge, was also in political charge of the titular nawab and the petty chiefs of the neighbourhood, as agent to the governor of Bombay.[1] The same period witnessed also the establishment at Surat of a sadr adalat, a court of circuit and appeal, which ultimately exercised jurisdiction over all the Company's territorial possessions in Gujarat. It is clear that the system of administration thus introduced into Surat at the opening of the nineteenth century was borrowed directly from the system initiated in Bengal by Hastings in 1772 and revised by Lord Cornwallis after 1786.

With the nineteenth century came a rapid territorial expansion. First came cessions by Sindhia, the Peshwa, and the Gaekwar. And then the final downfall of the Peshwa in 1818 gave the Company an enormous addition of territory, which included certain parts of Gujarat, the whole of the Deccan, except the small kingdom reserved for the raja of Satara and two *parganas* granted to the ruler of Kolhapur, the whole of Khandesh, the district of Dharwar including Belgaum, Ratnagiri, and Kolaba, with the exception of the Alibag *taluka*, which lapsed to the Company in 1840. The present Nasik district was divided between the collectorates of Khandesh and Ahmadnagar up to 1837, when the portion included in the latter district was formed into a sub-collectorate. It was finally constituted a separate district with an enlarged area in 1869. Between 1818 and 1858 the presidency was further extended by the lapse of certain native states, e.g. Mandvi in Surat, and Satara; and various territorial readjustments took place, such, for example, as the separation of the Ahmadabad and Kaira districts in 1833, and of Belgaum and Dharwar in 1836, and the conversion of Sholapur in 1838 into a collectorate, formed mainly of villages ceded by the Nizam in 1822. In 1848 the Bijapur district, which had formed part of the territory of the raja of Satara, lapsed to the Company, and in 1853 and 1861 occurred the lease and final transfer respectively by Sindhia of the Panch Mahals. More distant acquisitions by conquest were those of Aden in 1839 and of Sind in 1847. In 1861 North Kanara was transferred from the Madras Presidency to Bombay.

At first the judicial and revenue administration of the Gujarat districts acquired from the Gaekwar and the Peshwa between 1800 and 1803 was entrusted to the agent of the governor-general at

[1] *Imperial Gazetteer of India, Bombay Presidency*, I, 331.

Baroda, who, like the resident at Poona in regard to the Deccan, supervised the affairs of North Gujarat, so far as they concerned the Company and its relations with the native powers. In 1805 the resident's responsibility ceased, and these ceded areas were placed in charge of a collector armed with powers similar to those possessed by the collectors in Bengal.

The great increase of territory which accrued from the conquest or annexation of the Peshwa's possessions in 1818 necessarily involved the establishment of a more extensive administrative system. The newly acquired territories were divided into districts, organised and managed on the lines adopted in Bengal. In two respects, however, the Bombay arrangements differed from the Bengal system: first, no Board of Revenue was created; and secondly, the districts were restricted in size, so as to allow of their being more easily administered than was the case with the large and unwieldy districts of Bengal. The task of introducing order into the conquered area was by no means easy. In Gujarat the intermingling of the Company's possessions with the territories of the Gaekwar, nawab of Cambay, and the unsettled tributary land-holders of Kathiawar and Mahi Kantha, the restlessness of the *Girasias* and Mewasis within the British sphere of jurisdiction, and the turbulent character of a considerable portion of the population, offered formidable obstacles, which were overcome mainly by caution and good temper on the part of the Company's officers. Conspicuous among the latter were Colonel Walker and his assistants, who had charge of the area which developed in 1818 into the two collectorates of Ahmadabad and Kaira.[1]

Judicial regulations were introduced early and gradually made their influence felt. For the purpose of revenue collection the Maratha practice of farming out the districts to the *desais*, and subsequently to the *patels* of the villages, was adopted for the first few years. Under this system the collector or his subordinate *mamlatdar* or *kamavisdar* had to make the best bargain he could with the *desai* for the annual revenue, and provided that the amount promised was duly realised, he did not concern himself with the methods of the *desais* and village officers, or with the manner in which the government dues were obtained from the peasantry. After 1816, however, the ryotwari system was gradually re-introduced, and the *talati* or village accountant, who was appointed directly by the Bombay Government, superseded the *desai* and the *patel*. At the outset the position of the *mamlatdar* or *kamavisdar* in Gujarat was not wholly satisfactory. Though he was the collector's principal subordinate and the chief native official of the district for revenue and police matters, he was poorly paid and was also subjected to much expense by an order requiring him, in his capacity of native police official, to attend the sessions. He

[1] Minute of governor of Bombay, 6 April, 1821 (Appendix to Report of Select Committee on Affairs of East India Company, 1832).

was on this account frequently absent from the district at times when his revenue duties demanded his presence on the spot. These difficulties, however, were gradually obviated after the re-introduction of the ryotwari system, which brought the villages into direct contact with the officers of government, substituted for the former corrupt village accountants persons appointed direct by the government, and enabled the authorities in consequence to increase the revenue and distribute it more equally. There was better management and fuller assertion of the public rights, due largely to the comparatively small size of the districts, which admitted of adequate superintendence by the collector, and also to the actual manner in which the system was introduced, first by a commissioner, whose business was to enquire rather than to innovate, and secondly by collectors trained in his methods and acquainted with the actual state of everything which they were called on to improve.[1]

The settlement of the Deccan and Khandesh was entrusted to the capable hands of Mountstuart Elphinstone. So far as the revenue system was concerned, his main object was to preserve as far as possible unimpaired the practice of the Maratha Government, subject, however, to the abolition of the system of farming the revenue, to the levy of assessment according to the area actually cultivated, and to the imposition of no new taxes. Old taxes were for the time being retained, except where they were manifestly unjust or oppressive. The country, which in the days of the Peshwa had been divided up among many *mamlatdars* and *kamavisdars*, whose powers and territorial jurisdiction varied greatly in extent, was placed under five principal officers, namely the collectors of Khandesh, Poona, Ahmadnagar, and the Carnatic, and the political agent at Satara. Each of these officials resided within the limits of his charge and devoted his whole time to its affairs. The straggling revenue areas of Maratha days were formed into compact districts, each yielding from Rs. 50,000 to Rs. 70,000 annually; and each was placed in charge of a *mamlatdar* on a fixed monthly salary of Rs. 70 to Rs. 150, with limited powers, who was bound to reside within the limits of his charge and was in all matters subordinate to one of the principal English officers or collectors.

The duties of the *mamlatdar* consisted in supervising the collection of the revenue, managing the police establishment, and receiving civil and criminal complaints, of which the former were referred by him to *panchayats* and the latter to the collector. To assist him in these duties, he was furnished with a staff consisting of a *sheristadar* or record-keeper on Rs. 30 to Rs. 40 a month, an accountant and sub-

[1] Letter from M. Elphinstone, 16 August, 1832 (Minutes of Evidence before Select Committee on Affairs of East India Company, Rev. III, 1832); Minute, 6 April, 1821, by governor of Bombay on Ahmadabad and Kaira (Appendix, Report of Select Committee (Parliamentary), 1832).

ordinate clerks. At first the Bombay Government found some difficulty in securing *mamlatdars* of the right type. In Poona and Satara they were chiefly respectable servants of the former government; in Khandesh, which had been wasted and depopulated, men had to be introduced from the Nizam's dominions or from Hindustan; while a few men were borrowed from Madras to act as a check upon the Deccan officials. Below the *mamlatdar* was the *patel*, who was responsible, together with the *kulkarni*, for the revenue and police administration of the village. His powers were *pro tanto* reduced by the closer supervision exercised by the *mamlatdar* under the British system, while his emoluments were lessened by the reduction or abolition of the Maratha tax known as *sadar warid patti*.

The sheet-anchor of the district finances was the land-revenue, other sources of income being customs (*jakat*), excise (*abkari*), fines paid on succession to property (*nazar*), fees paid for pasturage by nomad shepherds, and fees paid for permits to cut wood in government forests. The foundation of the agricultural assessment was the amount paid by each village in times when the people considered themselves to have been well governed. From this amount deductions were made for diminution of cultivation or for special reasons, and the final amount payable was apportioned among the ryots or agricultural population by the village officers. The *chauth* and *babti* of Maratha days were abolished, as also were arbitrary imposts like the *jasti patti*. Speaking generally, the assessments were made lighter, more definite, and more uniform; more liberal advances were made to the cultivator for land improvement or to assist him in seasons of scarcity; the practice of bringing false charges against him as a pretext for extorting larger contributions was sternly and actively prohibited.

Owing to the difficulty of framing a tariff and to the collectors' absorption in revenue and magisterial duties, the customs were farmed for the first few years. The excise revenue, which yielded less than £1000 annually, was maintained at a low figure, as in the Peshwa's days, by express prohibition in Poona and the active discouragement of drinking elsewhere. Similarly, until the currency system was stabilised, the mint was farmed to a contractor. The salt-tax was unknown at the commencement of the nineteenth century, though the manufacture of salt was carried on in the collectorate of Bombay by both government and private persons, and in other districts by various methods, the revenue so derived being recovered in the shape of rent, customs-duty, or duty on sales. In 1837 an act was passed establishing a salt excise-duty, whereupon all salt-works outside the island of Bombay were placed in charge of a Collector of Continental Customs and Excise, and those in Bombay were supervised by the Collector of Land Revenue at the presidency. These two officials were responsible for the management and collection of the tax; but whereas the collector of Bombay had no separate staff for the pur-

poses of the salt revenue the Collector of Continental Customs was assisted by a deputy-collector and five assistant collectors. These arrangements continued until 1854, when the charge of all sea and land customs and of the salt excise of the whole presidency was transferred to a commissioner, assisted by a European staff of three deputy-commissioners and ten uncovenanted assistants, and by an Indian staff at each of the chief salt-works.

In regard to the administration of civil and criminal justice, the position in the year 1812–13 may be briefly described, before proceeding to later developments. At that date the possessions of the Bombay Government in Gujarat included the towns of Broach, Kaira and Surat. In each of those towns was an officer combining the functions of criminal judge and magistrate, with an assistant for magisterial duties. Above them was a sadr adalat, consisting of three judges, which served as a court of circuit and appeal, not only for the three above-mentioned places in Gujarat, but also for Salsette, adjoining Bombay Island, which was administered by a single judge. For the hearing and disposal of civil causes, a native official, styled *sadr amin*, was appointed to each of the three Gujarat towns and Salsette, and an appeal from the decisions of these functionaries also lay to the sadr adalat in Surat. In Bombay, as previously mentioned, the superior court at this date was that of the recorder, which exercised both civil and criminal jurisdiction, while the lower courts were, for civil suits, the Small Causes Court for the recovery of debts not exceeding Rs. 175, which was established in 1799, and, for criminal cases, the courts of the senior, second and third magistrates of police,[1] which were established by Rule, Ordinance and Regulation I of 1812, and the Court of Petty Sessions, which was opened in the same year.[2]

The development which took place in consequence of the acquisitions and annexations of 1818 and following years will be apparent from a survey of the provincial judicial arrangements of the year 1828–9. By that date the system of combining judicial and magisterial powers in one individual had been abolished, and magisterial jurisdiction, coupled with control of the police, had been vested in the collector of the district. As remarked by Sir John Malcolm, sound reasons existed for combining magisterial with revenue or territorial jurisdiction; for under the actual form of administration introduced after 1818, the collector alone was in the position to possess full information of the state of the district subject to his authority and of the character and condition of its inhabitants.[3] On the other hand the presidency was handicapped by two conflicting systems of judicature, represented by the existence in Bombay of the Supreme or King's Court, which superseded the Recorder's Court in 1823, and the

[1] The third magistrate was not actually appointed till 1830.

[2] S. M. Edwardes, *The Bombay City Police*, pp. 25 *sqq.*; *Bombay City Gazetteer*, II, 220 *sqq.*

[3] Minute by Sir J. Malcolm, 10 November, 1830 (Appendix, Report of Select Committee (Judicial), 1832).

Company's courts, known as the sadr diwani adalat and the sadr faujdari adalat, which had been transferred from Surat to the capital of the presidency in 1827, towards the close of the governorship of Mountstuart Elphinstone. The Supreme Court had authority by letters patent to exercise civil, criminal, equity, admiralty and ecclesiastical jurisdiction within the island of Bombay and the factories subordinate thereto, and was invested with jurisdiction similar to that of the King's Bench in England. The adalats, on the other hand, which were wholly independent of the Supreme Court, superintended the administration of justice in all places outside the limits of Bombay Island. The sadr diwani adalat, consisting of four judges, a "register" and an assistant register, had no original jurisdiction, but its decisions were final except in suits relating to property worth more than Rs. 10,000, when an appeal lay to the King in Council; while the sadr faujdari adalat, consisting of the junior member of council as chief judge and three puisne judges, superintended all criminal and police matters in the districts and had power to revise all trials held by lower courts outside the limits of Bombay Island. The jury-system was confined to the jurisdictional limits of the Supreme Court.

In Gujarat, under the jurisdiction of the sadr adalat, was a provincial court of appeal and circuit, stationed at Surat and composed of three judges. This court served as a civil court of appeal, while one of the judges attached to it held a sessions every six months at Surat and other centres. Sentences of death, transportation, or imprisonment for life passed by this court were subject to confirmation by the sadr faujdari adalat. The court was finally abolished in 1830. In each of the districts of Broach, Surat and Ahmadabad-Kaira[1] was stationed a judge for both civil and criminal work, aided by an assistant judge or register, who decided such cases as the judge made over to him. Subordinate to the judge for the purposes of civil justice, there were in each district several *munsiffs* and in each headquarters town one or more *sadr amins*, who were remunerated by fees. In 1828–9 the Bombay Presidency contained four *sadr amins* and seventy-nine *munsiffs* or native commissioners, from whose decisions an appeal lay successively to the district judge, to the court of appeal and circuit, and finally to the sadr diwani adalat. In criminal cases the district judge could award sentences of solitary imprisonment for six months, imprisonment with hard labour for seven years, flogging, public disgrace, fine and personal restraint, subject to the proviso that in all cases where a sentence of more than two years' imprisonment was imposed, a reference had to be made to the court of circuit. Magisterial powers were vested in the collectors of the four districts, Ahmadabad, Kaira, Broach and Surat, and extended to sentences of fine, simple imprisonment for not more than two months, flogging

[1] For judicial purposes this area was treated as a single district, but as two districts for revenue and magisterial work.

not in excess of thirty stripes, and personal restraint. The native district police officers and the village police officers, subordinate to the collectors, also possessed limited powers of punishment in trivial cases. The former could impose fines not exceeding Rs. 5, or sentence delinquents to confinement for not more than eight days or to a period of not more than twelve hours in the stocks; while the latter could punish petty cases of assault and abuse by confinement in the village *chauki* for not more than twenty-four hours.[1]

The Konkan, divided for administrative purposes into North and South, was judicially administered on the same lines as Gujarat, except that in both portions the criminal sessions were held by one of the judges of the sadr faujdari adalat, while in civil matters there was no intermediate court of appeal, as in Gujarat, between the district (zillah) judge and the sadr diwani adalat in Bombay. Both the judges of the North and South Konkan had assistants, to whom they delegated such cases as they thought fit.[2]

The Deccan at this date (1828–9) was composed of three collectorates—Poona including Sholapur, Ahmadnagar and Khandesh. The policy of Mountstuart Elphinstone, who was appointed commissioner for the settlement of the Deccan in 1817 and became governor of Bombay two years later, was to interfere as little as possible with the system which he found existing in the conquered territory, and at the outset, except for modifications of procedure, the Maratha arrangements for civil justice were maintained more or less unaltered. All complaints that could not be amicably settled were referred in the first instance to the collector, who usually directed the *mamlatdar* to enquire into the facts and grant a *panchayat*. Occasionally the collector or his assistant would hear and decide a case; but his function was generally limited to granting a new *panchayat* in cases where a decision appeared to be marked by injustice or to be due to corruption. In the course of his tours through his charge, the collector was bound to give audience to all classes for two hours daily, receive oral complaints, and revise the decisions of the *mamlatdar*, if this appeared necessary. In the large towns like Poona, civil justice was in the hands of *amins*, who were empowered to grant *panchayats* and try cases referred to them by the collector, whenever both parties consented to this mode of adjustment.

In the sphere of criminal justice Elphinstone abolished the *patel's* punitive powers, and the *mamlatdar's* powers were limited to sentences of fine not exceeding Rs. 2, and of confinement for twenty-four hours. All other criminal powers were vested in the collector, who corresponded in this respect to the *sarsubehdar* under the Maratha government. In practice a prisoner was formally and publicly brought to

[1] Minute of John Bax on Judicial and Revenue system of Bombay, 16 June, 1829 (General Appendix, Report of Select Committee (Parliamentary), 1832).

[2] *Idem*, pp. 123 *sqq*.

trial before the collector. If found guilty, a *sastri* was called upon to declare the penalty according to Hindu law, which, if considered excessive according to European standards, was modified, and if light, was accepted by the collector. In Khandesh a kind of jury was assembled, which questioned witnesses and pronounced on the guilt of the accused; while in Satara the political agent summoned respectable residents to serve as assessors at the trial. In all cases native exponents of the Hindu law were present in court, and where capital sentences or heavy punishment were involved, the collector had to report his decision for confirmation to the commissioner.[1]

This system was shortly afterwards superseded by arrangements resembling, though not absolutely identical with, those followed in Gujarat. Thus in 1828–9 the Deccan districts were administered for judicial purposes by two district judges, one for Poona and Sholapur, and the other for Ahmadnagar and Khandesh. Each judge had an assistant, one being stationed in Sholapur and the other in Dhulia, who were vested with limited penal powers and were bound to refer all matters of importance to their superiors. Subject to the general authority of the sadr faujdari adalat in Bombay, the two judges held regular criminal sessions at Poona and Ahmadnagar, while their decisions in civil suits were subject to appeal to the sadr diwani adalat. The magisterial powers of the collector and his subordinates were the same as in Gujarat, the assistant collector being empowered to try such cases as the collector delegated to him, subject to the overriding powers of the latter in appeal.[2]

The Carnatic or Southern Maratha country, consisting of Dharwar and Belgaum, was administered on rather different lines, as the Bombay Regulations, which were published in 1827 and applied to the rest of the presidency, were not formally applied to this area till 1830. The collector for the time being, aided by assistants and a registrar, exercised all the civil and criminal functions which elsewhere were performed by the separate departments of district judge, criminal judge and magistrate. Even after the application of the regulations in 1830, the offices of political agent, collector, judge and sessions judge were still united in one individual, while the assistant judge at Dharwar was vested with the powers of an assistant at detached stations (e.g. Dhulia) in other parts of the presidency. The civil and criminal work of the district was, however, placed under the general supervision of the sadr adalat, the criminal side of which served, as in the case of the Konkan, as a court of circuit. This difference of treatment probably was due to the fact that the management of the Southern Maratha country after 1813 was conducted mainly by officers of the Madras Presidency, notwithstanding that the area concerned was nominally under the authority of Bombay. The district of

[1] M. Elphinstone, *Report on the Territories conquered from the Peshwa*, Calcutta, 1821.
[2] Report, Select Committee on Affairs of East India Company, 1832.

Dharwar, including Belgaum, was permanently assigned to Bombay in 1830, when the Bombay regulations were formally applied to it.

The judicial system in 1828–9, outlined above, had certain prominent defects, which may be summarised as absence of superintendence and supervision in the Deccan, and lack of homogeneity in the arrangements followed in the four main divisions of the presidency, viz. Gujarat, the Deccan, the Konkan and the Carnatic. A revision of the system, however, occurred in 1830, which resulted in the wider employment of Indians in the administration of civil law and in the duties of the English civil servant being limited to a greater extent than previously to the control and supervision of the inferior agents of government. By the end of that year almost all original civil suits had been made over for trial to natives of India, and special judicial commissioners were appointed for Gujarat and the Deccan, who toured throughout those areas and heard all complaints in regard to the administration of justice. Simultaneously the magisterial powers of the collector, assistant collector, and *mamlatdar* were extended, and the collector, as chief revenue official of the district, was also empowered to take civil cognisance of suits relating to land and to decide claims and disputes regarding ownership, etc., subject to an appeal to the district judge.

For the purposes of the ordinary revenue and judicial administration of the districts outside the town and island of Bombay, the civil service cadre in 1828–9 was composed of six district judges, ten assistant district judges, ten collectors with magisterial powers, one sub-collector and magistrate, ten assistant collectors, seventy-nine "*koomashdars*" (i.e. *kamavisdars* or *mamlatdars*), four *sadr amins*, and seventy-nine *munsiffs*. At headquarters in Bombay were the chief judge and three puisne judges of the sadr adalat, a registrar, two secretaries and one deputy-secretary to government, an accountant-general, a sub-treasurer, a mint master and civil auditor, and a post-master-general. The Bombay Government consisted of the governor and three members of council, of whom one was usually the commander-in-chief of the Bombay army and the other two were civil servants of more than ten years' standing.[1]

By an act of 1807 the governor and council had been given the same power of making regulations, subject to approval by the Supreme and the Recorder's Courts, as had previously been vested in the Bengal Government, and the same power of appointing justices of the peace. By 1833 Bombay possessed a large code of regulations, commencing with Mountstuart Elphinstone's revised code of 1827, which embodied the results of twenty-eight years' previous legislation. This code had force and validity throughout the whole presidency, beyond the jurisdiction of the Supreme Court.

As regards other departments of the Bombay administration at this

[1] Report, Select Committee on Affairs of East India Company, 1832.

date (1830) mention has already been made of the salt-revenue arrangements. The sea-customs administration was in charge of the Collector of Land Revenue in Bombay and of a custom-master and his deputy in Gujarat. A custom-master stationed in Salsette supervised the customs of the two divisions of the Konkan, and in order to save the expense of establishments both the Gujarat and the Konkan customs were farmed out at this date. The post-office was still in its infancy and was little used by the Indian public. The mail was carried by runners; and government dispatches, which were conveyed free, were said in 1832 to exceed in bulk all private communications sent by post.[1] This is hardly surprising, when one remembers that it cost a rupee to send a letter from Bombay to Calcutta. It was not until the governor-generalship of Lord Dalhousie that the old inefficient postal arrangements were swept away and a uniform half-anna postal rate was introduced.

The educational administration of the Bombay Government at the opening of the nineteenth century was restricted to the grant of financial and moral support to the Bombay Education Society. In 1822 this society decided to confine its activities to the education of European and Eurasian children, and thus indirectly gave birth to the Bombay Native Education Society, which became merged in 1840 in a Board of Education. From that year till 1855 this society shared with various English and American missionary bodies the whole burden of the educational administration. It opened primary schools in the Konkan, Deccan, and Gujarat and trained masters to staff them. The experiment of placing these schools under the control of the collectors of the districts was tried in 1832, but proved unsatisfactory; and as it appeared likely that the management of the schools would suffer in the absence of a special supervising agency, a Board of Education was established in 1840, composed of a president and three European members nominated by the Bombay Government and three Indian members appointed by the Native Education Society. From 1840 to 1855 this board directed the educational administration of the presidency, which was divided for this purpose into three divisions, each under a European inspector and an Indian assistant. In 1852 the Bombay Government increased its subsidy to the board from 1½ to 2½ lakhs of rupees, whereupon the latter undertook to open a school in any village of the presidency, provided that the inhabitants were prepared to pay half the salary of the master and to provide a school-room and books. The opening and maintenance of girls' schools was still left to private enterprise; but with that exception the system founded by the board anticipated in many respects the principles laid down in the famous dispatch of the court of directors in 1854. It had prepared the way for a university by establishing institutions for the teaching of literature, law, medicine, and engineering, and had

[1] Appendix to Report, Select Committee on Affairs of East India Company, 1832.

introduced a system of primary schools, administered by the government, but mainly supported by the people themselves. These schools, indeed, formed the germ of the later Local Fund school system.[1] Finally, in 1855, after receipt of orders from the governor-general in council on the directors' dispatch of 1854, the department of Public Instruction was formed with a full staff of educational and deputy educational inspectors. The further progress of the educational administration belongs to the period following the Mutiny and the assumption by the crown of full responsibility for the government of India.

Before dealing with the administrative changes which marked the second half of the nineteenth century, the police system of the presidency prior to 1858 deserves brief notice. As regards the town and island of Bombay, where the police arrangements differed *ab initio* from those prevailing in the rest of the presidency, it has already been stated that the earliest force for watch-and-ward was a militia, recruited about 1673 as a supplement to the regular garrison and composed chiefly of Bhandaris and other Hindus of lower caste. This force was commanded by native officers (*subehdars*), who were posted at the more important points in the island. In 1771 this militia was relieved of military duties and formed into night patrols; but it proved so ineffective in preventing crime that it was reorganised in 1779 and placed under the control of a European officer, styled first "lieutenant", then "Deputy of Police", and finally, in 1793, "Superintendent of Police". The force at this date was composed of twenty-eight European constables and 130 native *peons*. The continuance of serious crime and the gross inefficiency of this force led to the publication in 1812 of a regulation, vesting the control of police matters in three Magistrates of Police, assisted by a "Deputy of Police and Head Constable" as executive head of the force. This arrangement likewise produced little or no amelioration of conditions, despite a gradual increase in the numerical strength of the police force, which was controlled from 1835 to 1855 by a succession of junior officers chosen from the Company's military establishment. These officers, who were styled "Superintendents", possessed little or no aptitude for police work, were poorly paid for their services, and had no real encouragement to make their mark in civil employ. By 1855 the public outcry against police inefficiency and corruption had become so insistent, that Lord Elphinstone's government was obliged to hold an enquiry; and, after drastic punishment of the offenders, a new act (XIII of 1856) was passed for the future constitution and regulation of the urban force. A district police officer, of unusual capability, was appointed superintendent of the force; and he managed by 1865, when the title of the appointment was changed to that of Commissioner of Police, to bring crime under control and to lay the founda-

[1] *Gazetteer of Bombay City and Island*, III, 103 *sqq*.

tions of the efficient organisation now known as the Bombay City Police.[1]

The modern Bombay district police includes, as an essential part of its organisation, the ancient institution of the village watch, which consists of the *patel*, who is responsible for the police of his village, and the village watchman, whose duty it is to keep watch at night, find out arrivals and departures, watch all strangers, and report all suspicious persons to the *patel*. Under native rule the *patel* was in the position of a police magistrate, and the watchman, who worked under his orders, was bound to know the character of every man in the village. When a theft occurred within village bounds, it was the watchman's business to find the thief.

> He was enabled to do this by his early habits of inquisitiveness and observation, as well as by the nature of his allowance, which, being partly a small share of the grain and similar property belonging to each house, required him to be always on the watch to ascertain his fees, and always in motion to gather them. On the occurrence of a theft or robbery, he would often track the thief by his footsteps, and if he did this to another village, so as to satisfy the watchman there, or if he otherwise traced the property to an adjoining village, his responsibility ended. It then became the duty of the watchman of the new village to take up the pursuit. The last village to which the thief had been clearly traced became answerable for the property stolen, which would otherwise have had to be accounted for by the village in which the robbery was committed. The watchman was expected to contribute as much as his means allowed to the value of the goods stolen, and the balance was levied on the whole village. Only in particular cases was restoration of the full value of the property insisted upon. A fine was usually levied; and neglect or connivance was punished by transferring the grant or *inam* of the *patel* or the watchman to his nearest relative, by fine, by imprisonment in irons, or by severe corporal punishment.[2]

This responsibility was necessary, as, after the decline of the Moghul power, the old police system fell into great disorder. Petty chiefs and zamindars, no longer fearing reprisals from above, took to ravaging and plundering their neighbours' lands, and their example was followed by the village police. Most of the latter became thieves themselves, and many of the *patels* harboured criminals and connived at crime. Under the rule of the first six Peshwas, the village police were under the control of the *mamlatdar* or *kamavisdar* of the division or district; but after the accession of the last Peshwa, Baji Rao II, a new class of police inspector, styled *tapasnavis*, was created for the purpose of criminal investigation. These officials, who were independent of the *mamlatdar*, proved for the most part inefficient and almost invariably corrupt.

When the East India Company first addressed itself to the task of administering the presidency, it retained the old village police system, but reformed it to the extent of transferring all police authority to the collector and magistrate and dividing each district into small police-circles, each of which was in charge of a *daroga* or head constable. The

[1] S. M. Edwardes, *The Bombay City Police*, pp. 1–53.

[2] *Imperial Gazetteer of India, Provincial Series, Bombay Presidency*, I, 110.

daroga was in command of about thirty armed men and also exercised authority over the village police. This system, which disregarded the *patel* and converted the watchman from a village servant into an ill-paid and disreputable subordinate of the *daroga*, proved an expensive failure and was abolished in 1814 on the representations of Mountstuart Elphinstone and Munro. When, therefore, he commenced the task of settling the Deccan in 1818, Elphinstone insisted upon keeping the police powers of the *mamlatdar* and the *patel* as far as possible unimpaired, though all superior powers and authority were vested in the collector. The *mamlatdar*, whose duty it was to see that the villages acted in concert and with activity, was permitted, as previously, the use of *silahdars* (auxiliary horse) and *sihbandis* (militia), with the double object of strengthening his position in keeping the peace and of providing employment for the idle and needy. The practice of levying the value of property stolen was also retained for a time in a modified form calculated to obviate undue hardship. But the power of the *mamlatdar* and the *patel* to confine suspects for an unlimited period was abolished; and, in general, the whole district and village system was improved by the closer and more constant supervision exercised by the European collector.[1]

The indigenous village agency controlled by the collector and magistrate, which lasted until 1848, was soon found inadequate for the miscellaneous duties imposed upon the district police agency, such, for example, as guard duty and escort duty. Moreover, it was incapable of dealing effectively with popular outbreaks and disturbances. Consequently the Bombay Government was obliged to augment the force in charge of the collector by additional corps commanded by military officers; and it was from these corps, raised from time to time in emergencies, that the semi-military district police of modern times originated. Among the most noteworthy of these auxiliary police-forces were the Khandesh Bhil corps, raised and trained by Outram between 1825 and 1830; the Ahmadnagar police corps, established by Sir John Malcolm's order in 1828, which did good service in the Ramosi rising of 1826–32; the Ratnagiri Rangers, formed in 1830 to oppose raids of Ramosis; the Thana Rangers and Ghat light infantry, established in 1833; the Surat Sihbandis, formed in 1834 on the model of the Thana corps; and the Gujarat Cooly (Koti) corps, which was raised by Lieutenant Leckie in 1838. Down to the year 1852, these corps took no part in ordinary police work, being confined in times of peace to the supply of escorts and treasury-guards, and in times of disturbance to the restoration and maintenance of peace by force of arms.

In 1848 the governor of Bombay, Sir G. Clerk, paid a visit to the recently conquered province of Sind, and there found that Sir Charles Napier had organised, on the model of the Irish constabulary, a new

[1] *Imperial Gazetteer* (1907), vol. IV; Mountstuart Elphinstone, *Report on the Territories conquered from the Peshwa*; J. S. Cotton, *Mountstuart Elphinstone*

police system, the salient features of which were its separation from the revenue administration, the severance of police and magisterial functions, and a considerable standard of discipline. It appeared to the governor decidedly superior in its working to the system prevailing in the rest of the presidency, which was frequently denounced between 1825 and 1832, and in later years, as productive of corruption and inefficiency. Accordingly, in 1852 the arrangements prevailing in Sind were extended to the rest of the presidency; the commandants of the various police corps were appointed "district superintendents of police"; and, subject to the general control of the collector as district magistrate, they took over all executive police work from the revenue authorities. This was followed in 1855 by the appointment of a commissioner of police for the whole presidency; but in response to representations from the collectors, this post was permitted to lapse on the retirement of the incumbent in 1860, and the general superintendence of the district police was then entrusted to the two revenue commissioners of the presidency. In the same year a commission was appointed to enquire into police administration and recommended the establishment of a well-organised and purely civil constabulary, supervised by European officers and charged with all civil police duties, including the supply of guards and escorts. The village police were to be retained on the existing footing and brought into direct relationship with the civil constabulary. These recommendations were eventually embodied in the District Police Act of 1867, which remained in force until 1890, when it was superseded by a new act. The latter act was extended to Sind in 1902. It only remains to remark that the experiment of placing the general superintendence of the police administration in the hands of the revenue commissioners proved unsuccessful, as these officials, even when their number was increased to three after 1860, were far too busy to supervise effectively the work of the police; and ultimately in the year 1885 the administrative control of the district police of the presidency, excluding Sind, was vested in a single official styled "the Inspector-General of Police".

In the year 1855–6, just prior to the Mutiny, the Bombay Presidency was divided for judicial purposes into eight districts (zillahs), and for revenue purposes into thirteen collectorates, exclusive of the island of Bombay. The total number of judicial officers was: three judges of the sadr adalat, exercising both civil (diwani) and criminal (faujdari) jurisdiction; eight district and sessions judges; three senior assistant judges at detached stations, who were usually invested with the same powers in routine matters as a district and sessions judge; six assistant district and sessions judges; seven principal *sadr amins*, whose jurisdiction was limited to civil suits of Rs. 10,000; thirteen *sadr amins*, who could try original suits involving sums of Rs. 5000 or less; and seventy-three *munsiffs*. A reform of the official establishments of these native judges was carried out during the year mentioned above, and as a result the subordinates of the native courts, who previously had

been mere dependents of the native judges, paid by them and liable to dismissal at their pleasure, became servants of the state, paid by the Bombay Government and looking to the latter for employment and promotion. Magisterial work was performed by the collector and his assistants, in their respective capacities of district and assistant magistrates, both being empowered to award sentences of imprisonment, with hard labour, not exceeding one year. All sentences, however, of more than three months' imprisonment by an assistant magistrate required the confirmation of the district authority.

The administrative arrangements established in Sind, in 1847, differed in several respects from those of the rest of the Bombay Presidency. The head of the local executive administration in all its branches was the Commissioner in Sind, and the province was divided into three collectorates—Karachi, Hyderabad and Shikarpur, and two small independent revenue charges—the North-Western Frontier and the Nagar Parkar district. Like the collectors in other parts of the presidency, the collectors in Sind possessed magisterial powers; but they differed from the former in presiding also over the administration of justice in the civil and criminal courts. They were assisted by deputy-collectors in charge of the subdivisions of the several collectorates, while the North-Western Frontier districts were under a Political Superintendent, who was also military commandant, aided by an assistant superintendent, whose powers and duties corresponded to those of the deputy-collector in the other districts. The Thar and Parkar district was managed until 1856 by the assistant political agent in Cutch, and afterwards by an officer corresponding to the collector. For a few years after the conquest the revenue in Sind was collected in grain by actual division of the crop, the grain being then sold by the government at auction for artificially high prices. The natural tone of the market was seriously upset by this practice and was further disorganised by the habit of drawing grain for the troops at nominal prices from the government grain stores. By 1855–6, however, this objectionable system had been superseded in several districts by cash assessments, which were gradually adopted throughout the whole of Sind. The rules under which the revenues of that province were at this date collected were not defined by law, as in other parts of the presidency, and were determined by the commissioner in Sind with the approval and sanction of the Bombay Government.[1]

The jail system of the presidency had formed the subject of a special enquiry as early as 1834, when regulations were issued for the improvement of prison discipline. The early Indian jail system was justly described as insanitary, demoralising, and non-deterrent, and was responsible for the appointment in 1838 of a commission which recommended radical reforms. Financial stringency, however, prevented these being carried out, and no appreciable change for the better took place until the appointment in 1855 of an Inspector-

[1] Report on the Administration of Public Affairs in the Bombay Presidency for 1855–6.

General of Prisons in each presidency and the passing of Act VIII of 1856, which relieved the judges of the sadr faujdari adalat from the charge of jails. These measures led directly to improvements in jail buildings and in the discipline and health of prisoners. Subsequent progress in this department belongs to the period succeeding the appointment of a second Prisons Commission in 1864.

The history of the pre-Mutiny period of the administration involves a brief reference to the Public Works, and the Ecclesiastical and Medical Departments. For several years the administration of the former was carried on under great disadvantages, owing to the want of experienced civil engineers. The court of directors endeavoured to relieve the difficulty by occasionally sending to Bombay a batch of men "with more or less experience in civil engineering", and at times, e.g. in 1855, the Bombay Government was able to secure in the country the services of a few professionally educated civil engineers. But the whole agency at their disposal was "lamentably small", and the department was not organised on a satisfactory basis until after the assumption of direct authority by the crown.[1] The Ecclesiastical Department owed its origin to the determination of the directors in early factory days to provide for the spiritual needs of their servants in India; and as the number of these and of the European troops increased, the ecclesiastical establishment likewise expanded, until in 1855–6 the number of clergy appointed for the Bombay diocese amounted to thirty-two. Subject to the general control of the government, the chaplains were directly subordinate to the bishop of the see, the first bishop of Bombay, Dr Carr, having been installed in 1838.[2] The medical administration was likewise evolved from the system adopted in early days by the East India Company of sending "chirurgeons" from England for the care of their servants and troops in the "factories" and on the vessels trading with the East. The surgeons serving on the Company's Indiamen were often utilised in emergencies in India, as for example during the Maratha War of 1780, and to fill vacancies among their professional brethren attached to the factories and out-stations. The formation of these scattered medical officers in India into a single body, the Indian Medical Service, dates roughly from 1764, the service being divided two years later (1766) into two branches, military and civil. Those in the latter branch were regarded as primarily army medical officers, lent temporarily for civil duties—an arrangement which was confirmed in 1788 during the governor-generalship of Lord Cornwallis. The most important administrative change prior to the Mutiny consisted in throwing open the service to Indians in 1853 through the medium of competitive examinations, of which the first was held in 1855.

[1] Report on the Administration of Public Affairs in the Bombay Presidency for 1855–6.
[2] *Gazetteer of Bombay City and Island*, III, 245.

CHAPTER V

DISTRICT ADMINISTRATION IN THE UNITED PROVINCES, CENTRAL PROVINCES, AND PANJAB 1818–1857

A VERY brief chronological résumé of the successive territorial acquisitions which in less than a century extended the political responsibilities of the East India Company from the boundaries of Bengal to Peshawar is a necessary introduction to a study of administrative development in the three areas, each approximately 100,000 square miles, which are now officially known as the United Provinces, the Central Provinces, and the Panjab; and which will hereafter be collectively referred to as "the three provinces". (1) The districts around Benares were ceded in 1775 by the ruler of Oudh, and (2) the "Ceded territories", comprising most of the present United Provinces exclusive of Oudh, by his successor in 1801.[1] (3) In 1803 Sindhia, the defeated Maratha chief, yielded the "Conquered territories", lying to the north of the last-mentioned tract and extending west of the Jumna; and in the same year a portion of Bundelkhand was obtained from the Peshwa.[2] (4) The successful Gurkha War of 1816 added the northern hill districts of the United Provinces, and (5) in 1818, after the third Maratha War, the Bhonsla raja of Nagpur surrendered the Sagar and Narbada territories, except a small area in the north already ceded by the Peshwa in 1817.[3] They are now included in the Central Provinces. (6) In 1809 the Sikh states to the east of the Satlej placed themselves under British protection. This arrangement was in practice coupled with a claim to escheat in favour of the suzerain on failure of heirs, and it led to gradual minor annexations up to 1846, the year which saw the conclusion of the first Sikh War. The remaining states, mostly very petty in status and area, were subsequently absorbed, except six of importance, which still survive as feudatories.[4] (7) The same year saw the acquisition of the Jalandhar Doab, the plain country between the rivers Satlej and Beas, together with an adjacent hilly tract. (8) The second Sikh War resulted in 1849 in the annexation of the Panjab up to the present

[1] Baden Powell, *Land Systems of British India*, I, 63; Field, *Regulations of the Bengal Code*, 1875, pp. 9, 10; *Administration Report of North-West Provinces*, 1882–3, pp. 29, 30; *Adm. Rep. of United Provinces*, 1911–12, p. 14.

[2] Baden Powell, *op. cit.* I, 64; Field, *op. cit.* p. 15; *Adm. Rep. N.-W. Provs.* pp. 30, 31.

[3] Baden Powell, *op. cit.* I, 68, 69; *Imperial Gazetteer*, X, 17; *Adm. Rep. Central Provinces*, 1882–3, p. 11; *Adm. Rep. N.-W. Provs.* p. 32; *House of Commons Papers*, XVIII, 533.

[4] Baden Powell, *op. cit.* I, 43; *Adm. Rep. N.-W. Provs.* 1882–3, pp. 31–3; *Adm. Rep. Panjab*, 1882–3, pp. 16–17; *Panjab Settlement Manual*, pp. 5, 6; Ibbetson, *Settlement Report of Karnal*, p. 35.

north-western frontier.[1] (9) In 1853 the Nagpur and Jhansi states lapsed to the British Government,[2] while (10) Berar was assigned to it by the Nizam of Hyderabad and has been in its possession ever since.[3] (11) The process of expansion was completed in 1856 by the annexation of Oudh.[4]

In 1836 the tracts (1) to (4) in the above résumé were formed into the North-Western Provinces with an administration under a lieutenant-governor separate from that of Bengal, and to it tract (5) was attached until 1861, when it was included in the present Central Provinces, then newly formed under a chief commissioner.[5] The cis-Satlej states and the Jalandhar Doab, nos. (6) and (7), were after 1846 each placed under a commissioner directly subordinate to the Government of India, and subsequently to the Resident at Lahore; but in 1849 they were absorbed in the new province of the Panjab.[6] The lapsed state of Nagpur was included in the Central Provinces in 1861, while Jhansi passed to the North-Western Provinces. Berar was administered by a commissioner until 1903, when it was attached to the Central Provinces.[7] In 1858 the districts west of the Jumna, ceded in 1803 and known as the Delhi territory, were transferred from the North-Western Provinces to the Panjab,[8] and from the latter in 1901 the present North-West-Frontier Province was separated. Oudh on annexation was placed under a chief commissioner, the charge being amalgamated with the lieutenant-governorship of the North-Western Provinces in 1877.[9] The combined areas are now officially known as the United Provinces (of Agra and Oudh).

The distinction between regulation and non-regulation areas, once of importance, has long since been practically obsolete. In 1793[10] Lord Cornwallis, in pursuance of statutory legislative powers then existing, issued a revised code of forty-eight regulations for the presidency of Bengal, and it is this body of legislation which, with subsequent additions, was specifically known as the Bengal Regulations. In 1795 they were extended, together with the permanent settlement, to the Benares districts.[11] To subsequent acquisitions, if formally included in the Bengal Presidency, the regulations applied auto-

[1] Baden Powell, *op. cit.* I, 70, 71; *Adm. Rep. Panjab*, 1882–3, pp. 28, 31.

[2] Baden Powell, *op. cit.* I, 65–9; *Adm. Rep. Cent. Provs.* 1882–3, p. 11.

[3] Baden Powell, *op. cit.* I, 49 and III, 345; *Adm. Rep. Cent. Provs.* 1911–12, p. 17; Lord Dalhousie's Minute of 28 February, 1856, para. 18.

[4] *H. of C. Papers*, 1856, vol. XLV; Field, *op. cit.* p. 10; *Adm. Rep. N.-W. Provs.* p. 34.

[5] Field, *op. cit.* p. 15; Baden Powell, *op. cit.* I, 36; Government of India Resolution of 2 November, 1861; *Adm. Rep. Cent. Provs.* 1911–12, p. 11.

[6] *Adm. Rep. Panjab*, 1911–12, pp. 17–18.

[7] Baden Powell, *op. cit.* III, 346; *Adm. Rep. Cent. Provs.* 1911–12, p. 18.

[8] Baden Powell, *op. cit.* I, 45; *Adm. Rep. N.-W. Provs.* p. 34; *Adm. Rep. Panjab*, 1911–12, p. 20.

[9] Baden Powell, *op. cit.* I, 42; *Adm. Rep. N.-W. Provs.* p. 34.

[10] Baden Powell, *op. cit.* I, 81; Field, *op. cit.* pp. vi, 42; Fifth Report of Select Committee of House of Commons, 1812; *Moral and Material Progress Report*, 1882–3, p. 34; Campbell, *Modern India*, 1852, p. 34.

[11] *Adm. Rep. Unit. Provs.* 1911–12, p. 15; Baden Powell, *op. cit.* II, 63; Fifth Report, 1812.

matically in the absence of any special prescription to the contrary. For others there was, up to 1833, no legislative machinery, and all rules and ordinances needed for purposes of administration were issued by the governor-general purely in his executive capacity.[1] Moreover, he was unfettered in the selection and recruitment of necessary staff, whereas in the presidency territories all offices had under statute to be filled by covenanted civil servants of the Company.[2] The distinction favoured elasticity, rendering it possible to adapt the form of administration in new territories to diverse local conditions and to avoid undue complexity in backward tracts. Of the successive acquisitions enumerated above, (1), (2), (3) and (4) only were attached to the Bengal Presidency, and to these, except (4) and the Delhi territory,[3] the regulations as a whole were applied, though with needful local modifications. The legislative changes made in 1833 have been noticed elsewhere. It was not until 1861 that regular legislation was possible for territories acquired after 1833.[4] For such, up to the later year, rules and ordinances were issued by the governor-general and by provincial authorities in their executive capacity.

The type of administrative machinery which Lord Cornwallis's apprehension of the abuse of executive power led him to create in Bengal has already been described.[5] The chief official in a district was the judge and magistrate. He disposed of civil litigation and of minor criminal cases, committing the more serious to the provincial courts of appeal and circuit, which were in turn subject to the control of the chief civil and criminal courts at Calcutta. The collector of the district was an almost purely fiscal officer, his sole function being the collection of revenue with prompt enforcement of penalties in case of default; while most of his proceedings were open to challenge in the courts of his own district.[6]

This system, together with the regulations, was extended to the "Ceded territories" in 1803, and in 1805 to the "Conquered territories" and to the Bundelkhand districts of Banda and Hamirpur;[7] the whole of these areas being placed under the direct control of the governor-general and subjected to the jurisdiction of the Calcutta courts. They were known as the Upper Provinces. This organisation was retained with little alteration until the period 1829–35, when drastic changes, similar in Bengal and in the Upper Provinces, were made by Lord William Bentinck. A new class of officers, designated

[1] Baden Powell, *op. cit.* I, 82.
[2] *Imperial Gazette*, IV, 42; 33 Geo. III, c. 52; *Moral and Mat. Prog. Rep.* 1882–3, p. 36.
[3] Ibbetson, *op. cit.* p. 38.
[4] Baden Powell, *op. cit.* I, 89.
[5] Cf. vol. V, pp. 453 *sqq.*, *supra*.
[6] Bengal Reg. II of 1793; *Adm. Rep. Bengal*, 1911–12, p. 41; Field, *op. cit.* p. 172; Kaye, *History of the Administration of the East India Company*, 1853, pp. 307 *sqq.*; Campbell, *op. cit.* p. 180; Fifth Report, 1812.
[7] Field, *op. cit.* pp. 147–8.

commissioners of divisions, was created, a division being an area of four or five districts and thus not too large for efficient supervision. The commissioners exercised full powers of control in all branches of fiscal, executive, and police work, being subject as regards the first to a board of revenue at Calcutta; while in order to relieve the provincial courts of appeal and circuit, which were congested with arrears, their criminal jurisdiction as courts of circuit was transferred to the new officers.[1] In the next place, the unworkable extension which the limits of the jurisdiction of the principal courts at Calcutta had undergone, as a result of the expansion of territory, necessitated the creation in 1831 of similar separate courts at Agra for the Upper Provinces.[2] To these new courts was transferred the remaining civil jurisdiction of the provincial courts, which thus came to an end in 1833. Finally, owing to the excessive burden which criminal jurisdiction on circuit was soon found to be imposing on the commissioners, it was transferred to the district judges, who thus became in addition circuit, or sessions judges, while their magisterial powers, being incompatible with their new functions, were passed on to the collectors. The collector was thus invested with combined judicial and executive powers under the designation of magistrate and collector.[3] The union has been retained up to the present day, except for a temporary return to separation in Bengal during the period 1837–59.[4] A subordinate Indian judiciary, with a more or less defined jurisdiction, had been growing up since the early period of British rule from among persons who were regularly employed as a semi-official paid agency for arbitration in civil suits.[5] In 1831 Lord William Bentinck increased its strength, raised its status, and enhanced its powers, so that it was soon dealing in courts of first instance with the greater part of the whole volume of civil litigation. It was in fact the forerunner of the modern provincial services. The criminal branch of the judiciary was also strengthened by the appointment, under an act of 1843, of persons, both European and Indian, other than covenanted civil servants of the Company to the post of deputy-magistrate.[6]

Lawlessness prevailed in the Upper Provinces for a long period after their annexation, and several years passed before insurgents ceased to disturb the Doab, the tract lying between the rivers Ganges and Jumna. The Pindaris were troublesome; the crime of thagi, described elsewhere, was rife; and pirates preyed on the river trade-routes. As late as 1817 the fortress of Hathras in the Doab had to be reduced

[1] Reg. I of 1829; Baden Powell, *op. cit.* I, 666; Field, *op. cit.* pp. 132, 154; *H. of C. Papers*, 1831–2, vol. XII; Kaye, *op. cit.* p. 347; Campbell, *op. cit.* p. 257.

[2] Bengal Reg. VI of 1831; Field, *op. cit.* p. 149; Kaye, *op. cit.* p. 349.

[3] Field, *op. cit.* p. 154; Kaye, *op. cit.* p. 348; *Adm. Rep. Bengal*, 1911–12, p. 45.

[4] Field, *op. cit.* p. 155; Campbell, *op. cit.* pp. 239 *sqq.*; *Adm. Rep. Bengal*, 1911–12, p. 46.

[5] Bengal Reg. XL of 1793; Field, *op. cit.* pp. 144, 156–9; Kaye, *op. cit.* p. 350; *Adm. Rep. Bengal*, 1911–12, pp. 42, 45.

[6] Field, *op. cit.* p. 159; Kaye, *op. cit.* p. 351; *Adm. Rep. Bengal*, 1911–12, p. 46.

by siege, and gang robbery was very prevalent about Saharanpur, while marauders from Central India infested the south-western frontier. By 1830, however, some degree of permanent peace was established.[1] During this period, and indeed for many years later, the district police system was merely a modified survival from the days of indigenous rule, when the maintenance of order in rural tracts was the duty of influential local land-holders and village communities; while in large towns the responsibility lay on the *kotwal*, a government official who was in receipt of a substantial salary with many perquisites, and who also provided his own staff.[2] In 1793 Lord Cornwallis abolished the police duties of the zamindars of Bengal and appointed Indian police officers, termed *darogas*, each of whom, with a small force of armed men under the control of the district magistrate, was placed in charge of an area some twenty miles square.[3] This system was extended in due course to the Upper Provinces, though there the local responsibility of land-holders was maintained. For the preservation of law and order the district magistrate thus had under him a loosely organised body of purely local police and an agency of village watchmen, who were the dependents of land-holders and of village communities.[4] The *darogas* were paid partly by fixed salaries and partly by fees for each dacoit (gang-robber) arrested, with a percentage on the value of stolen property recovered, provided that the thief was convicted.[5] The system, though some improvement on its predecessor, was inefficient, while the magistrate, amid his judicial duties, was unable to supervise it properly. An attempt to improve it was made in 1829 by giving the new commissioners powers of control and superintendence. The wide prevalence of thagi and dacoity, for the suppression of which special agency had to be employed, clearly indicated the inadequacy of the existing system of district police. Such as it was, it continued without much change until 1861.

The general criminal law enforced in the Upper Provinces until the enactment of the present Indian Penal Code in 1860 was, as in Bengal, Muhammadan law, very extensively altered as time went on by British regulations and judicial decisions.[6] Some punishments had to be modified so as to render them deterrent rather than vindictive; others, too lenient for serious offences, had to be made more severe. For many crimes, with which the Islamic system did not deal, additional provision had to be made; while fantastic rules of procedure

[1] *Adm. Rep. Unit. Provs.* 1911–12, p. 11.

[2] *Imp. Gaz.* II, 382–6; *Moral and Mat. Prog. Rep.* 1882–3, p. 78; Campbell, *op. cit.* p. 79; *Report of Indian Police Commission*, 1903, chap. i, pp. 4 *sqq.*

[3] Bengal Reg. I of 1793, VIII (4), and XXVII of 1795, V (4); *Imp. Gaz.* and *Moral and Mat. Prog. Rep. loc. cit.*

[4] Bengal Reg. XX of 1817; Campbell, *op. cit.* pp. 442 *sqq.*; *H. of C. Papers*, 1857–8, XLIII, 75.

[5] *Report of Indian Police Commission*, 1903, p. 6.

[6] Field, *op. cit.* p. 175; *H. of C. Papers*, 1856, vol. XXV; Whitley Stokes, *The Anglo-Indian Codes*, I, 2.

and evidence were abolished. Under such conditions the criminal law gradually became unmanageable in its bulk and complexity. In civil litigation questions of inheritance, marriage, caste, and other semi-religious matters were decided by Quranic law for Muhammadans and by the prescriptions of the *sastras* for Hindus. In cases of succession to landed estates, established custom, if such there were, was followed; while in matters other than the above the courts were enjoined to act in accordance with equity.[1]

Fiscal necessity quickly and naturally focussed the attention of a new government on the assessment and collection of revenue, especially revenue from land. The requirements of this earliest branch of administrative activity went far to mould the framework of the whole administrative organisation and to determine its shape and character.

The origin and nature of Indian land-revenue, and the Permanent Settlement of Bengal, have been described in another part of this work. Up to a time shortly before 1818 the views of British administrators on land-revenue questions were dominated by the principles of that settlement. Its extension to the "Ceded" and "Conquered territories" was contemplated after their annexation, and indeed promised in 1807[2] subject to the sanction of the home authorities. But the directors, now grown doubtful about the propriety of the Bengal system and to some extent conscious of the prevailing ignorance of the real nature of Indian conditions, hesitated to give their approval; and in 1811, after local investigation by a Board of Commissioners appointed in 1807, they definitely prohibited a permanent settlement, while directing the continuance of the system of provisional short-term settlements which had been made periodically since the annexations.[3] These, based on no very definite principles, except that the state was entitled to the entire net assets of land, less a small allowance for the cost of collection, were far from being satisfactory, since the revenue to be paid was determined without actual enquiry into resources and income and mainly with reference to the excessive exactions of the displaced Indian rulers.[4]

Assessment was often no more than the mere acceptance of the highest bid of a revenue farmer without regard to the rights of actual cultivators or of other persons, about which indeed little, if any, satisfactory enquiry was made. Harsh methods of revenue collection, adopted from the Bengal system and involving immediate sale of an estate on default in payment, aggravated the mischief, and often caused an inequitable loss of rights and interests in land, which

[1] Field, *op. cit.* pp. 170 *sqq.*; *Imp. Gaz.* II, 127; *H. of C. Papers*, 1856, vol. xxv.

[2] Baden Powell, *op. cit.* II, 15–17; Field, *op. cit.* p. 111; *Adm. Rep. Unit. Provs.* 1911–12, p. 16.

[3] Baden Powell, *op. cit.* p. 19; Kaye, *op. cit.* pp. 237–40; Field, *op. cit.* p. 113; *H. of C. Papers*, 1831–2, vol. II.

[4] *Adm. Rep. Unit. Provs.* 1911–12, p. 16; *Adm. Rep. N.-W. Provs.* 1882–3, pp. 42, 43; *Moral and Mat. Prog. Rep.* 1882–3, p. 128; Moreland, *The Revenue Administration of the United Provinces*, 1911, pp. 31–3.

under the improved system adopted later might have been preserved.[1]

This state of things persisted in the Upper Provinces up to the period 1822–8. In the interval the Board of Commissioners continued its investigations with a view to the introduction of a better fiscal system. Ultimately in 1819 its recommendations were presented by its secretary, Holt Mackenzie, in a famous minute, the first document to exhibit any adequate comprehension of land-tenures in Upper India and of the requirements of efficient land-revenue administration. The recommendations were embodied in Regulation VII of 1822, of which the main prescriptions were: (1) a cadastral survey of the land; (2) a full record, after necessary adjudication, of all landed rights and interests; (3) a moderate assessment of land-revenue after adequate local enquiry; (4) recognition and protection of tenant-right.[2] In one form or another these principles subsequently governed land-revenue administration in all parts of Upper India; and in following their practical application—an operation technically termed a regular, as distinguished from a summary, or provisional settlement—it is important to recognise that indigenous Indian rights in land were without any precise legal definition; little more in fact than comparatively vague claims, supported by local custom and usually respected by rulers who aspired to be tolerably just. Frequently they were of kinds strangely different from those familiar to the early British administrators in their own country.[3] The primary aim of the investigation of rights was to determine the persons, whether individuals or quasi-corporate bodies, who were entitled to the profits of land-holding, and who would therefore naturally be responsible for the payment of the land-revenue, or with whom, in technical terms, a settlement could be made. It was true that under the exactions of the former rulers such profits had gradually vanished, but under a moderated state demand they would obviously revive and become the object of a legal proprietary right, limited, it might be, by the coexistent rights of other persons. The vague nature of the existing rights and the obliteration which they had suffered in the recent political chaos as well as from the mischievous methods of revenue administration, inherited from Bengal, which characterised the first twenty years of British rule in the Upper Provinces, rendered the adjudication a task of unusual difficulty.

In the regulation of 1822[4] five-sixths of the net rental was prescribed as the standard land-revenue, a good deal less than that in force under native rulers but much higher than that adopted in later years.

[1] Kaye, *op. cit.* pp. 240–7; Baden Powell, *op. cit.* II, 118; *H. of C. Papers*, 1831–2, XI, 156; *Panjab Sett. Manual*, pp. 8–10.

[2] Field, *op. cit.* p. 115; Bengal Reg. VII of 1822; H. Mackenzie's Minute of 1819; Baden Powell, *op. cit.* II, 20–4; *Moral and Mat. Prog. Rep.* 1882–3, p. 128; *Panjab Sett. Manual*, pp. 11–12; *Adm. Rep. N.-W. Provs.* 1882–3, p. 42.

[3] Field, *op. cit.* p. 29.

[4] Bengal Reg. VII of 1822.

Progress in carrying out the regular settlement was very slow. Besides the decision of questions involving vague rights and customs, it included the very difficult task of assessing land-revenue on a rental basis, while rents, even when they existed, were dubious in nature and amount. Rents paid in money were rare, so that rental calculations depended largely on estimates of the value of grain produce and of the cost of cultivation, a process which it was attempted to carry out holding by holding. In a few years it became clear that success on such lines was impossible. In 1833, under the auspices of Lord William Bentinck, a simplified system was inaugurated, though the principles of 1822 were retained.[1] It was elaborated during the next twenty years under the direction of two noted officers, R. M. Bird and James Thomason. The standard demand was reduced to two-thirds of the net rental, and a less theoretical method of assessment—known as "aggregate to detail"—was devised. The land-revenue was fixed with reference to general considerations affecting the tract under settlement, such as agricultural and economic resources, past fiscal history, and the level of money rents paid by tenants, or those estimated to be fairly payable, wherever such rents had come into common use. The gross assessment thus determined was distributed over individual villages with reference to their comparative capacities as ascertained by local enquiry. Theoretical estimates of rental based on assumed data were discouraged. The cadastral survey was carried out for every village on the basis of a prior scientific topographical survey executed by professional officers.[2]

The regular settlement served to elucidate that much discussed, much belauded, and much misunderstood institution, the Indian village community. Its significant feature is the ownership of estates not by single individuals, but by groups of persons more or less closely connected. Completely joint or collective ownership and enjoyment of the entire village area is by no means an invariable incident. Some degree of communal control over it is commonly found, mainly in the type of village technically known as "zamindari", but severalty in the beneficial occupation of a part, at least, of the area is usual, the sizes of the several holdings corresponding to shares regulated by various definite and for the most part traditional methods.[3] In Southern and Central India a somewhat different type of village community exists, technically known as "ryotwari", in which separation of individual interests within the group is practically complete. In the North-Western Provinces the settlement was generally made with village communities of the zamindari type, the members being jointly as well as severally responsible. But in very many cases the

[1] Field, *op. cit.* p. 117; Bengal Reg. IX of 1833; *Adm. Rep. N.-W. Provs.* p. 43; *Adm. Rep. Unit. Provs.* 1911–12, p. 17; *Panjab Sett. Manual*, pp. 12–13; Baden Powell, *op. cit.* II, 25–7; *Moral and Mat. Prog. Rep.* 1882–3, p. 128.

[2] Baden Powell, *op. cit.* pp. 23, 38, 41 *sqq.*

[3] Baden Powell, *The Indian Village Community*, London, 1896.

body consisted of only a few persons, often indeed of a single individual, who, or whose predecessor, had been a revenue farmer of the village in the early years following annexation. A holder of a seignorial status over a community was generally compensated by a fixed annual sum payable by it.[1]

The subordinate rights of tenants, not members of the community, were also recorded and gradually protected. Only the barest reference is here possible to the subject of tenant-right, a highly controversial problem of Indian administration. The majority of indigenous Indian tenancies comparatively seldom originated in any definite contract between landlord and tenant: they were more frequently the relics of previous more complete tenures which under various influences had sunk to the status of a precarious occupancy, dependent for its continuance on the vague right, traditionally recognised, of the first clearer of waste land and his heirs; or on the fact that, when waste land was plentiful and cultivators comparatively few, there was little of that inducement to eject which came later under the altered conditions of British rule. An adequate treatment of tenant-right clearly required a classification of tenancies according to origin and an ascription to each class of the rights equitably appropriate to it. In the permanent settlement of Bengal no such treatment was attempted, and the security of tenants, though promised as an essential part of the settlement,[2] was left to the operation of agreements which it was vainly expected would be made between them and the landlords, while a regulation of 1799 gave to the latter a harsh power of distraint, which produced much mischief. Warned by the errors of Bengal, British administrators in the North-Western Provinces tried to define and protect the interests of tenants, but a definite classification was very difficult, and in practice a broad rule, apparently first suggested by Lord William Bentinck in 1832, was followed, under which a tenant on proving twelve years' continuous occupation of his holding was admitted to a permanent and heritable tenure at a judicially fixed rent.[3] A rule so wide probably covered more cases than really deserved protection, but it was ultimately embodied in Act X of 1859, the earliest Indian legislation which defined and protected tenant-right, both in Bengal and in the North-Western Provinces.

The first regular settlement of those provinces, excluding the Benares districts, which had already been permanently settled, was carried out district by district during the period 1833–42,[4] the revenue being assessed for a term which was generally thirty years. It avoided

[1] Moreland, *op. cit.* pp. 35–9; Baden Powell, *Land Systems of British India*, II, 82, 83; *Adm. Rep. N.-W. Provs.* 1882–3, pp. 38, 39.

[2] Bengal Reg. I of 1793, § 8 (1); Field, *op. cit.* p. 35; Baden Powell, *op. cit.* I, 403–5.

[3] *Panjab Sett. Manual*, pp. 97–9; Selections from Revenue Records of N.-W. Provs. 1822–33; Moreland, *op. cit.* pp. 55, 56.

[4] *Moral and Mat. Prog. Rep.* 1882–3, p. 128; *Adm. Rep. N.-W. Provs.* 1882–3, p. 43; Field, *op. cit.* p. 118; Baden Powell, *op. cit.* II, 27.

the radical defects of the permanent settlement of Bengal—haphazard assessment based on inadequate data, the absence of any record of rights or of any form of survey, and the insecurity of tenants. In the Benares districts they were gradually remedied, as far as possible, many years later, by the execution of cadastral surveys, undertaken in 1877,[1] and by the preparation of a record of rights.

The importance of canal irrigation for the agriculture of the Upper Provinces soon attracted the attention of British officers. Their first efforts were directed to the restoration of canals made by previous rulers rather than to the construction of entirely new projects. After a preliminary survey in 1809–10, work began in 1815 on an old channel which had been originally made in the middle of the fourteenth century by Firoz Shah, the Tughlaq king of Delhi, for the irrigation of the arid tracts of Hissar and Sirsa, and which after various vicissitudes had ceased to flow during the period of Moghul decay. It was in reality a series of natural drainages connected by excavation rather than a true canal.[2] No special irrigation department was created, but the services of military officers were utilised and the strictest economy in expenditure was enforced. The restoration, carried out on lines far from scientific, was completed in 1827. The work, now known as the Western Jumna Canal, had a total length of 425 miles, including distributaries, and, besides providing Delhi with water, irrigated a considerable area in the Hissar district, which in 1807 had been an almost uninhabited waste. In 1822 work was undertaken on a similar but smaller channel from the left bank of the Jumna, constructed early in the eighteenth century by a Moghul ruler. This project, now the Eastern Jumna Canal, with a total length of 155 miles, was completed in 1830, but it took several years longer to remedy defects which soon showed themselves.[3] Meanwhile the directors of the Company, unimpressed with the importance of irrigation for their new territories, were loath to embark on costly schemes. Whatever expenditure was allowed had to be met from current revenue; the days of loan funds raised for productive works were yet far distant. It was not until 1854 that the first great original project, the Upper Ganges Canal, was completed, though it had been suggested as early as 1836. Famine served to emphasise its necessity.

The Upper Provinces were in a part of India peculiarly liable to that scourge, the tract about Delhi having suffered thirteen visitations in the previous five centuries. The development of British famine policy has been sketched elsewhere in this volume. Its two fundamental features, the existence of means for the rapid transport of food and a system of public works on which the mass of agricultural labour

[1] Baden Powell, *op. cit.* II, 40; *Adm. Rep. N.-W. Provs.* 1882–3, p. 50.

[2] *Triennial Review of Irrigation in India*, Calcutta, 1922, p. 24; Kaye, *op. cit.* pp. 278 *sqq.*; *Imp. Gaz.* III, 327 *sqq.*

[3] *Triennial Review*, p. 25; Kaye, *op. cit.* pp. 283 *sqq.*

suddenly thrown out of employment can earn a subsistence wage, did not exist, and indeed could not have existed under native rulers. Their famine measures were generally limited to a prohibition of grain export, penalties for private hoarding, and the distribution of a modicum of relief.[1] There was thus no famine organisation, however crude, which the new rulers could inherit and utilise. Their own experience soon began. In 1803 the monsoon failed and famine visited the Upper Provinces. One-third of a million sterling of land-revenue was remitted and land-holders were assisted with advances, while bounties were given on import of grain. In 1812 famine again appeared in the country lying west of the Jumna. In 1837–8 it prevailed in a severe form in a tract which held a population of twenty-eight millions, including twenty-one millions in the then newly formed North-Western Provinces. On this occasion the first definite efforts at famine organisation were made at a cost of nearly a quarter of a million sterling; the government definitely recognising its responsibility for the relief of the able-bodied, while leaving that of invalids and orphans to public charity.[2] Liberal suspensions and remissions of revenue, to the extent of nearly one million sterling, were given, though loans and advances to land-holders were discouraged. The two canals which had been recently reopened fully proved their value in the famine, which served to impress on the authorities the vast importance of irrigation, and in particular to secure attention for the famous project which subsequently became the Upper Ganges Canal, now irrigating large areas in the Doab. Originated by Colonel Colvin, it was elaborated by Sir P. Cautley of the Bengal Artillery, who ultimately constructed the canal. Work began in 1842 but it was interrupted by lack of funds and by other causes during the Afghan and Sikh wars. Irrigation actually commenced in 1854, but operations were hampered by the Mutiny, and it was not until the famine of 1860–1 that the full supply of water could be utilised. Though it was one of the earliest of the British canals,[3] and though defects in design had gradually to be rectified, portions of it are even yet unique in size and conception. Its total length, including branches and distributaries, is over 3800 miles. It is still the largest single irrigation work in India and in 1919–20 it irrigated over one and a third million acres.

Comparatively few public works, other than canals, some main lines of communications, and some necessary public buildings, were constructed during the early years of British administration. There was no Public Works Department; projects being executed through the agency of a Military Board, an inefficient arrangement which existed until 1854.[4]

[1] *Imp. Gaz.* III, 477 *sqq.*

[2] *Imp. Gaz.* III, 484, 501; *Report of Famine Commission*, 1880, p. 31; *Adm. Rep. Unit. Provs.* 1911–12, p. 22.

[3] *Triennial Review*, p. 30; Kaye, *op. cit.* pp. 287 *sqq.*

[4] *Imp. Gaz.* IV, 307.

The indigenous system of liquor excise, termed *abkari*, was one of farm pure and simple, the unrestricted and exclusive right to manufacture and sell spirituous liquor within a more or less defined area being usually leased to the local Moghul tax farmer, whether an official or a zamindar. Under the Company's government a similar system of leases of defined areas in favour of licensees was continued, but between 1790 and 1800 restrictions on the number and locality of shops and stills were introduced.[1] This modified system was extended to the Upper Provinces, but as early as 1813, in order to secure greater control, central distilleries were established at convenient places, generally the headquarters of districts, or of their subdivisions, termed *tahsils*. Within these buildings the licensed distillers were required to carry on their operations, the right to sell at specified shops being separately licensed; though in order to cope with illicit distillation, an ever-besetting difficulty in Indian excise administration, single stills were permitted in distant outlying areas, their licences covering both manufacture and sale. To such single detached stills the term "outstill", so common in Indian excise discussions, is properly applicable. In the Upper Provinces as well as in Bengal the new system was found unable to cope with illicit traffic, and after 1824 there was a general return to the system of farms or leases of specified shops in defined areas, with outstills where necessary. This arrangement, with minor modifications, continued in force in the Upper Provinces until after 1858. The attainment of the ideal, then only dimly perceived, of controlled consumption combined with high or even adequate taxation was incompatible with a volume of illicit traffic with which the administration of the time was quite unable to contend.

As in the case of spirituous liquor, the excise of opium, regarded by the Moghuls as a subject for state monopoly, took the form of a farm of the exclusive right to manufacture and sell. The manifold defects of this system, which the East India Company took over in 1773, caused its abandonment in 1797, the government then assuming the monopoly of manufacture through its own agencies; an organisation which was extended to the Upper Provinces and has been described elsewhere.[2]

Municipal self-government did not exist at the introduction of British rule.[3] A pure exotic, it was planted very gradually and tentatively by the new-comers. Their first efforts were confined to the presidency towns, and it was not until 1850 that legislative provision was made for the constitution of municipal bodies in provincial towns. These consisted of the district magistrate, in whom all executive

[1] Papers relating to Excise Administration in India printed in *Government of India Gazette* of 1 March, 1890; *Moral and Mat. Prog. Rep.* 1882–3, p. 170; *Imp. Gaz.* IV, 254; *H. of C. Papers*, 1831–2, vol. XI.

[2] *Imp. Gaz.* IV, 242; *H. of C. Papers*, 1890–1, LIX, 384.

[3] *Imp. Gaz.* IV, 281, 284 *sqq.*; *Moral and Mat. Prog. Rep.* 1882–3, p. 48.

authority was vested, and a body of nominated councillors, whose function was to assess rates in accordance with certain prescribed principles, and to assist the district magistrate with advice. Taxation might be a personal assessment on householders, or by rates on houses, and the proceeds were expended in the entertainment of town watchmen, simple sanitation, lighting and other local objects. The act of 1850 was fairly widely applied, and apparently with a considerable degree of success, in the North-Western Provinces.[1]

Passing now from the regulation districts of that region, the remainder of this chapter will be concerned with non-regulation areas. To the explanation of the origin and general significance of that distinction as already given, it may be added that the type of administration adopted in non-regulation areas was characterised by simple and more direct modes of procedure and by the greater accessibility of officials to the people; but chiefly by the union of all powers, executive, magisterial, and judicial, in the hands of the district officer, here termed deputy-commissioner in place of magistrate and collector, subject however to the appellate and supervisional jurisdiction of the commissioner of the division in all branches of work.[2] The system was paternal rather than formally legal, though legal principles were by no means set aside; and it largely depended for its success on the personal character, initiative, vigour and discretion of the local officers. Passing over the non-regulation Sagar and Narbada territories, of which the early administration was not conspicuously successful,[3] though law and order and a judicial system were established, we may proceed at once to an account of administrative development in the Panjab, the whole of which was always non-regulation.

That province, as it exists at present, including the recently separated Delhi enclave, comprises cis-Satlej and trans-Satlej portions. The first consists of the Delhi territory, annexed in 1803, and of a tract, lying between it and the Satlej, which was gradually absorbed as a result of the protectorate assumed in 1809 and of the first Sikh War. The second comprises the annexations of 1846 and 1849, the Jalandhar Doab and the Panjab proper. In accordance with the policy approved on the retirement of the Marquis of Wellesley, the Delhi territory after its formal annexation was for long outside the sphere of direct British control, which it was sought to restrict to the eastern side of the Jumna, leaving the territory, which, as the result of recent war, was largely a deserted waste, in the hands of a ring of semi-independent chiefs, with whose administration the Resident at Delhi interfered as little as possible while endeavouring to maintain peace. The aggressions attempted by Ranjit Singh on the country east of the Satlej, foiled in 1809 by the Treaty of Amritsar, resulted

1 *Moral and Mat. Prog. Rep.* 1882–3, p. 54.

2 Campbell, *op. cit.* p. 250; Kaye, *op. cit.* pp. 447 *sqq.*; Sir C. Aitchison, *Lawrence*, Oxford, 1892, pp. 59 *sqq.*; *Imp. Gaz.* IV, 54.

3 *Adm. Rep. Cent. Provs.* 1882–3, p. 16.

in the protectorate already mentioned, but even then administrative control over the Delhi territory was very slowly asserted.[1] It was only in 1819–20 that the tract was divided into four districts under locally resident officers, a fifth being added in 1824. In 1832 they were definitely included in the North-Western Provinces for purposes of administration, which it was directed should be carried on in the spirit of the Bengal Regulations, though these were never, it appears, formally extended to them. The early revenue administration up to 1828 was of the same highly unsatisfactory character as in other parts of the North-Western Provinces, but the tract was greatly benefited by the restoration of the Western Jumna Canal, especially during the famine of 1837–8, of which it felt the full force. Up to its union with the Panjab in 1858 its administration proceeded on the lines already described, a regular settlement being made between 1837 and 1842.[2]

The growth of the supremacy of Maharaja Ranjit Singh over the trans-Satlej Panjab has been described elsewhere. Here we deal only with his administrative system.[3] Immersed in war and diplomacy, he had no leisure for the creation of a stable polity. Beyond military organisation and conquest, the collection of revenue was his chief interest. To this all other branches of his administration were subordinated, and to it the attention of all his officials was unremittingly directed. He appears to have utilised all known sources of taxation: imposts direct and indirect, on land, on houses, on persons, on manufactures, on commerce, on imports and exports; all had a place in his fiscal system. The revenue of remote provinces was farmed to men of wealth and influence, or of vigour and capacity, and they were invested with powers of government in the exercise of which they experienced little interference, provided that revenue was regularly remitted. Military chiefs, who enjoyed the revenue of jagirs, or assigned tracts of land, on condition of furnishing armed contingents, also exercised practically unlimited authority in their jurisdictions. These farmers and jagirdars had under them local agents, or kardars, who exercised such administrative functions as were recognised, and of these the only one of importance was the collection of revenue. In tracts, neither farmed nor held in jagir, and known as *khalsa*, the kardars were under the nazim, or local governor of a group of districts, who was directly responsible to the maharaja and his informal council, or cabinet; but their positions depended largely on the influence which they could command at court, and on their success in collecting revenue. In Ranjit Singh's later years central control was much relaxed and the system of farming became more prevalent. Land-revenue was collected as a rule direct from the cultivator in the shape of a fixed share of the produce,[4] except in the case of crops, such

[1] *Adm. Rep. Panjab*, 1882–3, p. 23; Ibbetson, *op. cit.* pp. 34, 35; *Adm. Rep. Panjab*, 1911–12, pp. 16–17.
[2] Ibbetson, *op. cit.* chaps. iv and v; *Panjab Sett. Manual*, p. 17.
[3] *Adm. Rep. Panjab*, 1849–51, sect. I, pt II; 1882–3, p. 25; *H. of C. Papers*, 1849, vol. XLI.
[4] *Panjab Sett. Manual*, chap. iv.

as sugar-cane and cotton, which could not readily be divided. In lieu of the actual share of the crop its estimated money value was sometimes taken, common shares being one-third and two-fifths, with one-half on the more fertile lands. Numerous additional dues in cash or kind were also collected, and cultivators of all grades were treated on the same footing without reference to any distinctions of superior or inferior rights on land, though occasionally the leaders of the village community received a measure of indulgence. Joint responsibility of its members for the payment of land-revenue was not enforced, except rarely when a few of its leaders were allowed to engage for a lump sum, and then they tended to assume the privileges of landlords towards the rest of the cultivators, who fell back into the position of tenants.

There were no definite and regular courts of justice, though there was a judicial officer, termed the *adalati*, in Lahore. Private property in land of a kind was recognised and in principle upheld, and the general corporate existence and obligations of village communities were maintained, while disputes were settled to a minor extent by the local authorities, but mainly by private arbitration, resort to which by means of a comparatively organised system of committees, or *panchayats*, was widely practised. There were local police officers, but their functions were more often political and military than civil, their duty being to check local disturbances and to arrange for the movements of troops. There was no excise system, the production and sale of liquor being quite uncontrolled. All officials enjoyed much licence, but cultivators were not as a rule needlessly oppressed if they paid their revenue. The criminal law was unwritten and contained mainly two penalties, fine and mutilation. The first usually secured immunity from further punishment for almost any crime; the second when inflicted being reserved for offences such as adultery, seduction and robbery. Imprisonment was unknown and capital punishment rare. Ranjit Singh allowed his favourites great power, at first no doubt as a counterpoise to the influence of the leaders of the old Sikh confederacies, but later from the compulsion of physical weakness. Excessive oppression, however, was restrained, and from the Satlej to the Indus general peace prevailed. His comparatively mild rule, though a military despotism, was not unsuited to the martial genius of his people, and not unpopular, except with tribes whose aristocratic traditions invited levelling repression from the Sikhs. But based on the goodwill of his army, it contained no element of permanence, and after his death in 1839 chaos rapidly ensued.

The results of the Sikh wars—the temporary arrangements made in 1846 for the administration of the trans-Satlej Panjab, followed by its complete annexation in 1849—have been narrated elsewhere. Here we are only concerned with administrative development.[1] The

[1] *Adm. Rep. Panjab*, 1849–51, pp. 12–13; *H. of C. Papers*, 1849, vol. XLI.

Council of Regency, during its existence in 1846–9, sought to repair and improve previous indigenous institutions rather than to introduce novelty; to preserve what order remained, while governing on the lines of a benevolent Indian ruler. Remedies were applied to crying evils—an idle and irregularly paid army; general official dishonesty; the absence of machinery for administering justice. Economy was enforced; provisional summary settlements of land-revenue were made by British officers;[1] regular salaries were paid to Indian officials in place of undefined perquisites; taxation was lightened and simplified and a budget framed. The administration of justice was entrusted to respectable persons; while the penal code, reduced to writing, was rendered more efficient and more humane. Heinous offences were tried by the council itself and appeals from subordinate authorities were entertained. European officers were deputed to visit outlying districts, while in the framing of rules and regulations influential and intelligent persons were consulted. The development of resources received attention, and plans for the repair of old and the construction of new public works were prepared. But the process of restoration and improvement was rudely interrupted by the second Sikh War.

Annexation afforded a clearer and a wider field for administrative effort, of which full advantage was taken by the selected body of exceptionally able officers, civil and military, whom Lord Dalhousie deputed to the new province, and of whom many had been trained in the best tradition of the North-Western Provinces. They included Henry and John Lawrence, John Nicholson, Robert Montgomery, Herbert Edwardes, Robert Napier, Richard Temple, Donald Macleod, and many others subsequently famous. It should never be forgotten that the Panjab was from the first organised as a British province on a basis of long administrative experience gained in Bengal and the North-Western Provinces during the previous half-century; an experience which included serious errors to be avoided as well as notable successes to be repeated.

Immediately after annexation a Board of Administration consisting of three members was constituted. Under the governor-general it exercised plenary authority in all departments of government.[2] The province was divided into seven, increased in 1850 to eight divisions, each under a commissioner, and into twenty-four districts, each under a deputy-commissioner; the districts themselves being further subdivided into smaller areas, termed *tahsils*, each in charge of an Indian civil officer, designated *tahsildar*. The non-regulation type of administration, at once simple, vigorous, and efficient, was adopted. Land-revenue organisation was one of the first objects of attention. A regular settlement was begun immediately after annexation, and was gradually completed district by district, though many years elapsed before this

[1] *Panjab Sett. Manual*, p. 22; Baden Powell, *op. cit.* II, 541.

[2] *Adm. Rep. Panjab*, 1849–51, sect. III; 1882–3, pp. 30–3; 1911–12, pp. 18–20.

could be accomplished in the western frontier districts. In the meantime revenue was assessed and collected under short-term and provisional summary settlements. A similar course was followed in the cis-Satlej districts recently attached to the province. The demands imposed in these summary settlements,[1] especially in the last-mentioned tract, based as they were on the revenue accounts of the previous régime, were comparatively heavy, but, thanks to the experience gained in other provinces, the Panjab escaped those harsh methods of revenue farming and collection which had been so mischievous elsewhere. The subsequent regular settlement was carried out on the principles which had been previously adopted in the North-Western Provinces, but subject to certain modifications due to local conditions. In the Panjab the village communities, often tribal in their constitution and usually of the so-called zamindari type, were generally more vigorous and better preserved than in the North-Western Provinces. It was therefore possible as a rule to accord to their members the status and rights of peasant proprietors, and to make a joint settlement with them in place of former revenue farmers, or usurping officials, or semi-feudal grantees, as in other provinces.[2] Communities analogous to the ryotwari type, where they existed, were treated by the same method. Previous political and social conditions had discouraged the growth of great landlords with a seignorial status over village communities. Where it happened to exist, it was converted, not into proprietary right, but into a right to receive merely a fixed quit-rent. The policy thus adopted has resulted in the Panjab being a country mainly of peasant proprietors. In the regular settlement the right of the state was asserted over the immense areas of waste land which then lay unoccupied in the trans-Satlej Panjab and which have since become the scene of extensive colonisation. A similar course was followed in the large forest areas in the hills.[3]

Tenant-right received attention, though it was not until some years later that definite principles were laid down after lengthy controversy. In the Panjab this right was not so much a relic of a previous quasi-proprietary position as the result of two facts; first, that Sikh rulers made little practical distinction between different grades of status, so that members as well as non-members of the village community had often to bear jointly the same burdens; secondly, that established custom recognised some permanence of tenure in favour of cultivators who, or whose ancestors, though not included in the circle of the community, had assisted in founding the village and in clearing waste land.[4] In the first regular settlement officers were given judicial powers for the determination of rights, and in such work they exercised

[1] *Panjab Sett. Manual*, p. 24; Baden Powell, *op. cit.* II, 543.
[2] *Panjab Sett. Manual*, pp. 58 *sqq.*; Baden Powell, *op. cit.* II, 609 *sqq.*; *Adm. Rep. Panjab*, 1849–51, sect. VII, pt I.
[3] *Panjab Sett. Manual*, p. 93; Baden Powell, *op. cit.* II, 545 *sqq.*
[4] *Panjab Sett. Manual*, p. 100; Baden Powell, *op. cit.* II, 703–5.

a fairly wide equitable discretion, especially in questions of tenant-right, to which, following the practice of the North-Western Provinces, they commonly applied the twelve-years' rule. The assessments of land-revenue were based on general considerations similar to those previously recognised in the North-Western Provinces, but supplemented by close local investigation.[1] The task was rendered more difficult by the entire absence of economic money rents, then quite unknown in the Panjab. Moderation in assessment was impressed on all officials from the first, and it has been a salient feature of Panjab administration ever since. Except in the western districts of the province, the regular settlements were completed either before or shortly after the Mutiny.

Strong measures were taken for the maintenance of law and order and for the suppression of such crimes as thagi, which prevailed to a limited extent, dacoity and robbery.[2] Civil police, seven thousand strong, were distributed over the province, on the general lines of the system of the North-Western Provinces, for the detection and prosecution of criminals and for watch-and-ward in villages. In his control of them the deputy-commissioner was assisted by the *tahsildars*. The civil police were aided by a strong force of military police, some eight thousand strong including mounted men, under four European officers with Indian subordinates. The force furnished guards, patrolled the country, and helped in the prevention of crime and in the apprehension of offenders. Local watchmen were also entertained and paid by the village communities. Jails were erected in every district. The province from the Satlej to the Indus was disarmed, some 120,000 weapons of all kinds being surrendered; and possession or sale of arms was prohibited except in the trans-Indus area.[3] A similar measure was applied later to the cis-Satlej districts and to the Delhi territory. The criminal code was based on that in force in the Bengal Presidency, with needful local modifications.[4] In 1855 a civil code was issued which, while not a legal enactment, included much of the custom and usage current in the province, thus serving as a useful guide to judicial officers;[5] and though the Bengal Regulations were never in force, it was understood that their spirit should be followed wherever it was applicable. The administration of the districts now included in the North-West Frontier Province is dealt with elsewhere; it largely increased the responsibilities of the new government.

One of its principal duties was to develop the resources and especially the communications of the province.[6] A Public Works

[1] *Panjab Sett. Manual*, pp. 25–8; Baden Powell, *op. cit.* II, 568–72.
[2] *Adm. Rep. Panjab*, 1849–51, sect. V; 1851–3, pp. 41–8; 1882–3, p. 32; *H. of C. Papers*, 1857–8, XLIII, 75.
[3] *Adm. Rep. Panjab*, 1849–51, p. 56; 1882–3, p. 32; *H. of C. Papers*, 1849, XLI, 75.
[4] Whitley Stokes, *op. cit.* I, 2; *Adm. Rep. Panjab*, 1849–51, p. 63.
[5] *Adm. Rep. Panjab*, 1851–3, pp. 88, 89.
[6] *Adm. Rep. Panjab*, 1849–51, sect. VIII.

Department, including a branch devoted to irrigation, was formed; the staff consisting mainly of military officers. A similar step was soon taken in the North-Western Provinces. At annexation roads of any kind were practically non-existent: but their construction in all directions was now systematically undertaken with reference to the routes of external and internal trade. Few of them were metalled, though most of them were lined with fine avenues of trees. Of metalled roads the most important was the main artery between Lahore and Peshawar, known as the Grand Trunk Road, the last link in a long chain of similar communications between Calcutta and Northern India. The development of canal irrigation was an object of special solicitude.[1] From early times water from the numerous rivers of the Panjab had been utilised for agriculture by means of simple channels, partly natural, partly artificial, which, starting at a level higher than the low-water level of the stream, could flow only in the flood season. Without head-weirs of the modern type to ensure a perennial supply, and liable to be blocked by deposits of silt, these crude means had nevertheless served to irrigate considerable areas.[2] Efforts were made soon after annexation to extend and improve these "inundation" canals, and a good deal was thus accomplished. But the most important achievement of the early years was the construction of a perennial canal from the Ravi to irrigate the Bari Doab, the tract of country lying between that river and the rivers Satlej and Beas. Now known as the Upper Bari Doab Canal, it was begun in 1851 and opened in 1859. In later years it was greatly improved and extended, forming the first member of that unique system of irrigation for which the province is now famous.

Such were some of the activities of the young administration. Other objects of its attention can only be mentioned—the erection of public buildings, schools and hospitals, the reform of the local currency, the suppression of female infanticide, the institution of a rudimentary municipal system.[3] In 1853, on the abolition of the board, John (later Lord) Lawrence was appointed chief commissioner as head of the local administration. Under him were a judicial commissioner and a financial commissioner, heads respectively of the judicial and revenue departments; the former being also head of the police, supervising education, and controlling local and municipal funds; an odd assortment of duties, but characteristic of that strenuous period. The catastrophe of the Mutiny for a time arrested further progress. In that great crisis the province, except for a few limited areas, did not waver in its loyalty to its new rulers; while the recruitment of some 70,000[4] Panjabi and frontier tribesmen under the British standards bore

[1] *Imp. Gaz.* III, 327.
[2] *Triennial Review*, pp. 33, 43; Kaye, *op. cit.* p. 300.
[3] *Adm. Rep. Panjab*, 1882–3, p. 33.
[4] *Adm. Rep. Panjab*, 1856–8, p. 43; Sir C. Aitchison, *Lawrence*, Oxford, 1892, p. 99.

eloquent testimony to the high quality of the administrative results which had been achieved.

Development in the areas latest acquired, the Nagpur state and Oudh, will be dealt with more conveniently in another chapter. Here it is sufficient to notice that as a result of the third Maratha War the former was virtually ruled from 1818 to 1830 by the Resident at Nagpur, Sir R. Jenkins, during the minority of the raja. His administration was broadly on the lines followed later in the Panjab by the Lahore regency from 1846 to 1849—the utilisation of native institutions and agency under British supervision, which was mainly directed to the removal of abuses.[1] Little change was made in the revenue system except that triennial were substituted for the previous annual settlements and that tenants received protection. At the end of the minority the raja maintained Sir R. Jenkins's methods until his death in 1853. Oudh immediately after its annexation in 1856 was placed under a chief commissioner as a non-regulation province, and a summary settlement of land-revenue was made.[2] Under the previous rule revenue farmers or managers, who were often also influential local chiefs, had commonly acquired, under the designation of *talukdars*, a seignorial or landlord status over village communities, and were therefore in a position to set up a plausible claim to proprietary right. In many cases it thus became a question whether a settlement should be made with them or with the subordinate communities.[3] Lord Dalhousie, following the practice of the North-Western Provinces and of the Panjab, decided in favour of the latter, with the result that the *talukdars* were practically ousted from many of their estates, and their consequent resentment ranged many of them against the British Government in the great struggle of the Mutiny.

[1] R. Jenkins, *Report on the Territories of the Raja of Nagpur*, Calcutta, 1827, p. 299; *Adm. Rep. Cent. Provs.* 1882–3, p. 14; 1911–12, p. 11.
[2] *Adm. Rep. N.-W. Provs.* 1882–3, p. 34.
[3] Baden Powell, *op. cit.* II, 198 *sqq.*; *Adm. Rep. Unit. Provs.* 1911–12, p. 18.

CHAPTER VI

EDUCATION AND MISSIONS TO 1858

WHEN Pitt's act of 1784 extended the control of the Bengal Government over the minor presidencies of Madras and Bombay to all points relating to peace as well as to war, it committed the general direction of domestic policy in British India to men who were liable to be impressed particularly by conditions in Bengal.[1] Yet the middle and upper classes of that province have always differed considerably from the same classes in Upper and Western India. They contain no martial element, and only a small minority of Muhammadans descended from Central Asian stocks. While the rural masses differ little intellectually from those in neighbouring provinces, the leading Hindu castes, Brahmans, Kayesthas (writers), and Vaidyas (physicians), have always been remarkable for exceptional literary and clerical ability. They have been quick to grasp opportunities and to assimilate new ideas. But when Warren Hastings took charge of Bengal in 1772, these and all other classes of society had been long depressed by constant wars and tyrannical or chaotic administration. Learning of all kinds had slunk away into the background. Hastings, however, had entered the service of the East India Company

> with the advantages of a regular classical education, and, with a mind strongly impressed with the pleasures of literature. The common dialects of Bengal, after his arrival in that country, soon became familiar to him; and at a period when the use and importance of the Persian language were scarcely suspected, and when the want of that grammatical and philological assistance which has facilitated the labours of succeeding students rendered the attainment of it a task of peculiar difficulty, he acquired a proficiency in it.[2]

When appointed governor of Bengal, he lost no time in causing a manual of Hindu law to be prepared in Sanskrit by Brahman pundits and translated both into English and into Persian, the language of the law courts established by the Moghul rulers of the province. Approached in 1781 by some Calcutta Muhammadans with a request for the permanent establishment of a "Madrasa" (college) where young Muslims might acquire knowledge which would fit them for "the numerous offices of the British Government",[3] then largely monopolised by Hindus, he responded favourably, purchasing a site out of his own pocket, laying the foundation stone and advising the directors to assign "the rents of one or more villages" in the neigh-

[1] It was not, for instance, until 1859 that a Bombay civil servant (Sir Bartle Frere) was appointed to the governor-general's council (Martineau, *Life of Frere*, I, 295–6).
[2] Shore, quoted *ap.* Jones, *Collected Works*, II, 19.
[3] Sharp, *Selections*, I, 8.

bourhood as an endowment for the new institution. The subjects of instruction were to be the Muhammadan law and such other sciences as were taught in Muhammadan schools. The directors accepted Hastings's recommendations, and reimbursed him for the expense which he had incurred. The college became known as "the Muhammadan Madrasa" and was the first state-aided educational institution in Bengal. Hardly had it been founded when the bench of the Calcutta Supreme Court received a notable recruit in the person of Sir William Jones,[1] jurist and scholar, the first of the great Orientalists, of those ardent enthusiasts who have done so much to spread abroad in Europe appreciation of Asiatic culture and learning. Jones has placed on record the "inexpressible pleasure" which he felt on approaching the shores of India;[2] and although his time was short, for he died at Calcutta in 1794, he not only translated the laws of Manu and other famous Sanskrit works into English, but left so deep an impression on his Brahman friends that some could not restrain their tears when they spoke of "the wonderful progress which he had made in the sciences which they professed".[3] With the strong support of Hastings,[4] he founded the Bengal Asiatic Society which has since numbered among its members the great Sanskrit scholar Colebrooke, a civil servant who rose to be a member of the governor-general's council, and Horace Hayman Wilson, another famous Orientalist, who lived to complete Mill's history of British India and to be librarian at the East India House for more than twenty years.[5] In 1792 Jonathan Duncan, Resident at Benares, asked and obtained permission to establish a college in the holy city for the preservation and cultivation of the laws, literature and religion of the Hindus,[6] stating that although learning had always been cultivated at Benares "in numerous private seminaries", no public institution of the kind proposed had ever existed. The "permanency of a college" would tend to recover and collect gradually books still to be met (though in a very dispersed and imperfect state) of "the most ancient and valuable general learning and tradition now existing perhaps on any part of the globe". It would preserve and disseminate a knowledge of the Hindu law and become "a nursery of the future doctors and expounders thereof to assist European judges" in administering "its genuine letter and spirit to the body of the people".

The British Government was sympathetic towards attempts to revive Indian learning, but entertained no idea of introducing any system of education. No state system then existed in England; and even Burke, the Company's most formidable critic, did not consider

[1] Hickey, *Memoirs*, III, 154–5. [2] Duff, *Indian Missions*, p. 196.
[3] See the article on Jones in the *Dictionary of National Biography*, x, 1064–5, and Jones, *op. cit.* II, 307.
[4] Jones, *op. cit.* II, 19–28.
[5] Foster, *The East India House*, p. 149. Cf. *Memorials of Old Haileybury College*, pp. 208–22.
[6] Sharp, *op. cit.* p. 10. See also *History of the Benares Sanskrit College*, pp. 1–2.

that either in letters, religion, commerce, or agriculture, had India need to learn from England.[1]

Among the Company's civil servants, however, there was one who thought differently. While serving in the commercial branch from 1773 to 1790 and spending years among the people of an up-country district of Bengal, Charles Grant became profoundly concerned at a spectacle which presented certain distressing features, and, in consultation with two friends, prepared proposals for establishing a Protestant mission in Bengal and Bihar which he forwarded to William Wilberforce and other Evangelical leaders at home. Retiring from India with a fortune honestly earned,[2] he sat down to write a treatise entitled "Observations on the state of society among the Asiatic subjects of Great Britain, particularly with respect to morals, and on the means of improving it". Soon after his return he had come into contact with Wilberforce; and when in 1793 the Company's charter came before parliament for renewal, that great philanthropist endeavoured to procure the insertion of clauses empowering the court of directors to send to and maintain in British India "schoolmasters and persons approved by the Archbishop of Canterbury or the Bishop of London 'for the religious and moral improvement of the native inhabitants'". The directors, however, objected that the governments of the three presidencies could not possibly be expected to establish missionary departments. The Indian people must be left to follow their own systems of faith and morals. The House of Commons agreed; and Wilberforce temporarily abandoned his proposals, while Grant returned to his treatise.[3] He was elected to the court of directors, and in 1797 laid it before that body, asking for its reception as "a business paper". In powerful and trenchant language, animated, as a Muhammadan historian has pointed out,[4] by the purest desire of bringing about a "happier" state of things, he gave his impressions of social and moral conditions among Hindus and Muhammadans in Bengal. The evils which he enumerated, the position of women, many of whom were doomed "to joyless confinement during life and a violent premature death", the "perpetual abasement and unlimited subjection" in which the lower orders of Hindus were kept by the Brahmanical system and religion, were the results of dense and widespread ignorance among the people, and could be removed only by education, first of all by education in English, a key which would open to the people "a world of new ideas". First would come knowledge of the Christian religion which would instil new views of duty. Every branch

[1] See his speech on Fox's East India Bill. In another passage, however, he charges his countrymen with having erected neither churches, hospitals, palaces nor schools in India.

[2] Ross, *Cornwallis Correspondence*, I, 306, 377, 475.

[3] It is contained in *Parl. Papers, East India*, vol. x, fourth part, 1812–13, pp. 5–112, and was reprinted by parliament twenty years later. See *Reports, Committees, E.I.C.* 1831–2 (4), vol. VIII.

[4] Mahmud, *History*, p. 8. On page 3 the historian describes it as "a most valuable essay on the moral, intellectual and political conditions of India at that time".

of natural philosophy might follow in time, above all the principles of mechanics and their application to agriculture and the useful arts. Invention was torpid. The people needed mental quickening. Custom was their strongest law. The path which the first passenger had marked over the soft soil was trodden so undeviatingly in all its curves by every succeeding passenger, that when it was perfectly beaten, it had only the width of a single track. Even if the advantages to be derived from the spread of Christianity were progressive and partial, they would conduce toward the outward prosperity and internal peace of Hindu society. The change would correct "those sad disorders which have been described and for which no other remedy has been proposed, nor is in the nature of things to be found". Grant advised the establishment by government of free schools for teaching English in various parts of the province and the substitution of English for Persian in judicial proceedings, in the administration of the revenue and other business. He discussed political objections to his suggestions and ended with the assertion that the English language was the best channel for the spread of general enlightenment. By planting our language, our knowledge, our opinions and our religion in our Asiatic dominions we would put a great work beyond the risk of contingencies; we would *probably* wed the inhabitants of those territories to this country; but at any rate we would do an act of strict duty to them and a lasting service to mankind. If, however, English were not employed, the country languages might be used to spread abroad the truths of Christianity in which all "the other proposed meliorations" were involved.

Although no Orientalist himself, Grant greatly admired Jones's genius and depth of learning.[1] But his own experience of India was not that of a scholar and a judge at headquarters. He had lived for years among the masses in the heart of Bengal. While he was gradually building up influence in London, an even more remarkable man was preparing to take a hand in the affairs of that province.

In 1793 William Carey, ex-shoemaker and Baptist missionary, arrived at Calcutta, without a licence from the directors, resolved to preach Christianity in the native tongues at any cost. Throughout a considerable part of the eighteenth century Lutheran missionaries in Southern India had been looking after the schools established by the Company for the children of the Portuguese, Tamil and Eurasian Christians employed in their service. Free passages to India on the Company's ships had been given to these men. Schools for Indian boys established by Christian Swartz, a famous Lutheran missionary, were subsidised by the Madras Government with the approval of the directors.[2] Throughout his career Swartz had enjoyed their favour. Carey, however, his companion Thomas, and other Baptist missionaries who subsequently joined them, were compelled to find

[1] Morris, *Life of Grant*, p. 83.

[2] Penny, *Church in Madras*, I, 613.

their way to Bengal in foreign ships, and began their work oppressed by grave financial difficulties and unsheltered by official authority, although Carey and Thomas owed their start to George Udny, a civil servant who eventually became member of the governor-general's council. The missionaries finally established themselves at Serampur, a Danish settlement sixteen miles north of Calcutta, set up schools for European and Indian boys, started a paper manufactory and a printing-press, and poured forth from the latter translations of the books of the Bible into various Indian languages. Carey was a linguistic genius and a diligent Orientalist as well as a great missionary. His noble character and single-minded piety won friends and favour in all quarters and deeply impressed Lord Wellesley, who appointed him Bengali lecturer in his new college for young civil servants. His chief coadjutors were Marshman, who had been master in a Baptist school, and Ward, an ex-printer of Hull. So persistent was the energy and so ardent was the spirit of these three men that in spite of many difficulties and set-backs, they not only gained converts and attracted pupils, but by their translations of the books of the Bible, which were widely diffused, they assisted in laying the foundations of Bengali prose literature.[1] Their whole enterprise, conducted with remarkable financial ability, produced large profits which went to the common cause.

Another pioneer in education was David Hare, a watchmaker who settled at Calcutta in 1800 and has been described by Lord Ronaldshay as "one of those persons disabled by temperament from accepting the dogma of religion but compelled by his heart to lead an essentially Christian life".[2] Hare was a rationalist, and in the words on his tombstone, which is still visited by Indians on the anniversary of his death,

> adopted for his own the country of his sojourn and cheerfully devoted the remainder of his life with unwearying zeal and benevolence to one pervading and darling object, in which he spared no personal trouble, money or influence, viz. the education and moral improvement of the natives of Bengal.

He studied Bengali, found it deficient for his purposes and conceived the idea of founding a school for the instruction of young Indians in Western literature and science.

In 1811, while Grant in England and Carey and Hare in Bengal were searching after new courses of education, Lord Minto and his colleagues, who included the great Sanskrit scholar Colebrooke, were attributing the evils of the time to the decay of the indigenous learning of the country. The government was already spending money on the maintenance of students of Sanskrit learning at Nuddea and on the support of the Hindu College at Benares. More money, they said, was

[1] Marshman, *Carey, Marshman and Ward*; Bishop Whitehead, *Indian Problems*, p. 144; and Thompson, *Rabindranath Tagore*, p. 6.
[2] *Heart of Aryavarta*, pp. 17–18.

required for each, and more colleges must be established for the encouragement of Sanskrit, Persian and Arabic literature. The Muhammadan Madrasa at Calcutta must be reformed. Some additional expense should be incurred with a view to a "restoration of learning". Minto had been personally generous to the Serampur Press,[1] and his government subscribed 10,000 rupees to assist the printing of the Scriptures in the Malay language; but such education as was going on in India was almost entirely independent of their patronage. In the background there were teachers and schools in no small number not only in Bengal but also in other provinces. Illuminating information on this subject is contained in the reports[2] of William Adam on vernacular education in Bengal and Bihar and may be summarised before we go farther, for conditions in the capital province were roughly similar to conditions elsewhere.[3]

Indigenous education was private or public, elementary or higher, administered at home to boys and exceedingly rarely to girls, or administered to boys alone in schools which, in spite of serious defects,[4] were maintained and managed by the people themselves. In Bengal and Bihar the rudiments of learning were taught in *patshalas* by schoolmasters who generally belonged to the Kayestha or writer caste. The pupils were generally Kayesthas or Brahmans but sometimes belonged to the trading or land-holding classes; they were seldom Muhammadans. The teachers, who were poorly remunerated by presents, fees or perquisites, sometimes employed manuscripts but never text-books, reciting religious and mythological stories or rhymed arithmetical rules to pupils who learnt by rote and were kept in order by primitive methods of discipline which sometimes produced retaliation. The *patshalas* were not patronised by the well-to-do, who preferred to have their sons taught at home.

Scholastic or higher education was Persian, Arabic or Sanskrit. The Persian schools (*maktabs*) were attended both by Muhammadans and by such Hindus as were attracted by the advantages to be gained from acquaintance with the language of the law courts. Instruction was given in Persian literature and grammar, in penmanship and in arithmetic. Arabic schools were either "formal" Arabic, intended exclusively for instruction in the formal or ceremonial reading of the Koran, or "learned" Arabic. The learned schools (*madrasas*) were intimately connected with the Persian schools. The Arabic teacher taught Persian also to his pupils. The average duration of study was eleven or twelve years, and the students might be either boys or men. The courses, varying from one school to another, included rhetoric, logic, grammar, Muhammadan law, Euclid, branches of natural

[1] *Lord Minto in India*, pp. 71–2.

[2] Dated 1835–6–8. Copious extracts are quoted by Duff in an article on "Indigenous education in Bengal and Bihar", *Calcutta Review*, 1844. See also Adam, *Reports*, Long, 1868.

[3] For an account of indigenous education in the Panjab see Leitner's Report of 1883.

[4] Adam, *op. cit.* pp. 19–20.

philosophy and the perusal of treatises on metaphysics. There was no particular system of organisation or discipline. The teachers were remunerated by presents, fees and other means, at low rates. Printed books were not to be seen, but manuscripts were in constant use. In Bengal and Bihar there were no Urdu schools for Muslims corresponding to the Bengali and Hindu schools for the Hindus.

In the Sanskrit academics (*tôls*) the Hindu religion, philosophies, law and logic, were taught to pupils who were mostly Brahmans but sometimes belonged to the Vaidya or physician caste. Some *tôls* were endowed, but most were established by individual Brahmans who were known as *gurus* (teachers). A *guru* would proclaim himself ready to instruct in a particular branch of learning and would gather round him a band of disciples (*chelas*) whom he would teach in his own house, or a friend's house, or a school-house, or in the open air after the fashion of ancient India.[1] His remuneration would not be fees but gifts from admirers, or pupils or parents of pupils. The pupils had previously been taught at home to read, write and do small sums. There were larger *tôls* for the inculcation of particular branches of Sanskrit learning, either medical, philosophical, mythological, astrological, Tantric or Vedantic, where the courses of study occupied years.

Of the *gurus* Adam drew a vivid picture:[2]

> I saw men not only unpretending, but plain and simple in their manners, and though seldom, if ever, offensively coarse, yet reminding me of the very humblest classes of English and Scottish peasantry, living constantly half-naked, inhabiting huts which if we connect moral consequences with physical causes, might be supposed to have the effect of stunting the growth of their minds, or in which only the most contracted minds might be supposed to have room to dwell—and yet several of these men are adepts in the subtleties of the profoundest grammar of what is probably the most philosophical language in existence; not only practically skilled in all the niceties of its usage, but also in the principles of its structure; familiar with all the varieties and applications of their natural laws and literature, and indulging in the abstrusest and most interesting disquisitions in logical and ethical philosophy. They are in general shrewd, discriminating and mild in their demeanour.

There were no schools for girls; but land-holders sometimes instructed their daughters in writing and accounts with a view to rendering them less helpless in the event of early widowhood. It was difficult, however, to obtain from any land-holder an admission that his daughter was literate.

> "A feeling", writes Adam, "is alleged to exist in the majority of Hindu females, principally cherished by the women and not discouraged by the men, that a girl taught to write and read will soon after marriage become a widow, an event which is regarded as nearly the worst misfortune that can befall the sex, and the belief is

[1] "The study of Sanskrit grammar", Adam observes, "occupies about seven years, lexicology about two, literature about ten, logic about thirteen, and mythology about four." Trevelyan, *Education of the People of India*, p. 109.

[2] Adam, *op. cit.* p. 119. He says that "the Pundits are of all ages, from twenty-five to eighty-two".

also generally entertained that intrigue is facilitated by a knowledge of letters on the part of females....The Muhammadans participate in all the prejudices of Hindus against the instruction of their female offspring, besides that a large majority of them are in the very lowest grade of poverty, and are thus unable if they were willing to give education to their children."[1]

If, however, there was extremely little education of girls in either of the two great communities, the education of boys of particular classes was considered eminently desirable by the learned classes of both, and its mainly religious character was often emphasised by a preliminary ceremony or act of worship.[2] Except, however, for simple arithmetic and ability to read and write, it was directed to teaching Sanskrit to Hindus and Persian or Arabic to Muhammadans; the masses were for the most part, by general consent, consigned to ignorance, the prejudice against their instruction being "nearly as strong and as general in their own minds as in the minds of others".[3] There was no promise of progress; and a new school of Hindus was springing up in Calcutta who were longing to escape from time-honoured restraints and long-standing evils. The boldest of these was a Brahman named Ram Mohan Roy, who burst out with a scathing denunciation of the popular Hinduism of his day:

I have never ceased to contemplate with the strongest feelings of regret the obstinate system of idolatry, inducing, for the sake of propitiating supposed deities, the violation of humane and social feelings. And this in various instances, but more especially in the dreadful acts of self-immolation and the immolation of the nearest relations, under the delusion of conforming to sacred religious rites.[4]

When in 1813 the East India Company's charter came once more before parliament for consideration, Minto's views regarding education were laid before the Commons. Wilberforce and Grant then sat in the House. Both belonged to the famous Clapham brotherhood; and Grant's influence was strong on the court of directors. Speaking at great length and quoting from Grant's *Observations*, but now discarding all notion of government missionary establishments, Wilberforce said that mission work must be left to "the spontaneous zeal of individual Christians controuled by the discretion of the government". There was no idea of proceeding by "methods of compulsion and authority". But mission work should not be substantially and in effect prevented. Parliament should "lay the ground for the promotion of education and the diffusion of useful knowledge". Christianity was the appropriate remedy for evils which he enumerated. The way for its reception should be made straight.[5] Moved largely by his forcible pleading, parliament declared that such measures ought to be adopted as might lead to "the introduction into India of useful knowledge and religious and moral improvements", and transferred the ultimate power of licensing persons desirous of proceeding to that

[1] Adam, *op. cit.* p. 132. [2] *Calcutta Review*, 1867, XLV, 420.
[3] Adam, *op. cit.* p. 254. [4] Quoted *ap.* Anderson and Subedar, p. 17.
[5] Hansard, 1813, XXVI, 832, 853, 1071, 1076.

country "for the purpose of accomplishing these benevolent designs" from the directors to the Board of Control, stipulating that the authority of the local governments respecting the intercourse of Europeans with the interior of the country should be preserved, and that the principles of the British Government on which the natives of India had always relied for the free exercise of their religion "must be inviolably maintained". At a late stage of the debates a clause was added which allowed the governor-general to direct that out of the territorial rents, revenue and profits of British India, after defraying the expenses of the military, civil and commercial establishments and meeting the interest of the debt, "a sum of not less than one lakh of rupees" should be set apart and applied to

> the revival and improvement of literature and the encouragement of the learned natives of India and for the introduction or promotion of a knowledge of the sciences among the inhabitants of the British territories in India.

The author of this clause was "Bobus" Smith who had been advocate-general in Calcutta.[1] His draft, slightly modified by the president of the Board of Control, passed through parliament without opposition. It is perfectly clear that by "the sciences" he meant Western sciences.[2] As the directors said, addressing the governor-general on 3 June, 1814, the clause presented two distinct propositions for consideration. They went on, however, to give vague and inconclusive instructions. Learned Hindus should be left to continue their custom of teaching in their homes and should be stimulated by honorary marks of distinction and pecuniary assistance. There were Sanskrit tracts on the virtues of plants and drugs which might prove useful to the European practitioner; and there were treatises on astronomy and mathematics which, although they might not add new light to European science, might become

> links of communication between the natives and the gentlemen in our service, who are attached to the Observatory and the department of engineers, and by such intercourse the natives might gradually be led to adopt modern improvements in those and other sciences.[3]

The self-supporting character of the indigenous schools attracted warm approbation, and the teachers were recommended to the "protection" of the government. Enquiries were made as to their present state. The governor-general was asked to submit for consideration any plan calculated to promote the object in view. But the instructions were hazy, and the governor-general's mind was more seriously occupied by the Nepalese, Pindari and Maratha wars. So beyond writing a minute in favour of improving indigenous education, and patronising a Calcutta textbook society to supply the wants of

[1] Cf. Hickey, *op. cit.* IV, 275.
[2] Hansard, XXVI, 1087–8, Bills Public (2), Sessions 24 November–22 July, 1812–13 (II), p. 1197; Howell, *Education in British India*, pp. 4–5; Mill and Wilson, *History of British India*, VII, 397.
[3] Sharp, *op. cit.* I, 24.

a growing circle of schools, Lord Hastings did little. The society owed its origin to a pamphlet published by Marshman, the Serampur missionary,[1] and was very liberally supported by the European community of Calcutta.

More missionaries, representing various societies, opened more schools. David Hare persuaded Sir Hyde East, Chief Justice, and other leading Europeans and Indians to establish a college for the tuition of sons of "respectable" Hindu parents in the English and Indian languages and in European and Asiatic science and literature. The college was first known as the Vidyalaya (home of learning), and afterwards as the Hindu College; finally it became "the Presidency College". Its teaching encouraged free thought in religion with results which were not altogether happy.[2] In establishing it Hare was assisted by Ram Mohan Roy, a Kulin Brahman, who has been called by a distinguished Bengali[3] "the first brilliant product of European influence in India". Born in 1772 of a well-to-do family, he was deeply read in Sanskrit and possessed some acquaintance with Persian and Arabic. In 1790 he published a pamphlet condemning the "idolatrous religion of the Hindus", which must, he urged, be restored to its original purity. He laid before his countrymen "genuine translations of parts of their scripture, which inculcated not only the enlightened worship of one God, but the purest principles of morality". In 1805 he entered the Company's service, and, assisted by John Digby, acquired a wide knowledge of English literature.[4] On retiring from government service in 1814, he settled in Calcutta and devoted himself to the cause of social, religious and educational reform. In 1818 he began a vigorous campaign against sati, and later, supported by others, he struck a shrewd blow in the cause of Western education. Before Lord Hastings's departure in 1823, grants had been given by the government to two societies formed to promote vernacular education and improve the indigenous schools;[5] and afterwards, a "Committee of Public Instruction" composed of civil servants,[6] with Horace Hayman Wilson, the Orientalist, as secretary, was appointed

[1] Howell, *op. cit.* p. 12; Mahmud, *op. cit.* p. 25; *Twelve Indian Statesmen*, p. 230; Marshman, *op. cit.* pp. 278–9.

[2] See the evidence of J. W. Sherer, 19 July, 1832, paras. 1915–2252, Minutes of Evidence before Select Committee, I, *Report Committees, E.I.C.* 1831–2 (5), vol. IX; also the *Heart of Aryavarta*, p. 46.

[3] Dutt, *Literature of Bengal*, pp. 137, 139, 147.

[4] Originally he had conceived a strong aversion to British rule in India but afterwards gave up "this prejudice" on the conviction that British rule would conduce "more speedily and surely to the amelioration of his countrymen". See Max Müller's quotation, *Biographical Essay*, p. 47.

[5] The School-book and School Societies. The latter was guided by a managing committee of sixteen Europeans and eight Indians. David Hare was secretary. It distributed books and examined and superintended certain schools.

[6] Howell, *op. cit.* p. 14. The committee were bidden to suggest such measures as it might appear expedient to adopt, with a view to "the better instruction of the people, and the introduction of useful knowledge, including the arts and sciences of Europe". See *History of the Benares Sanskrit College*, pp. 50–3.

by Adam, Hastings's temporary successor, and entrusted with the disbursement of the greater part of the annual one lakh grant. Arrears were paid in; and the committee prepared to organise a Sanskrit College which the government had decided to open in Calcutta. A college on Western lines was being gradually established by the Serampur missionaries, under the patronage of the king of Denmark and the governor-general, "for the instruction of Asiatic, Christian and other youths in Western literature and European science", while "Bishop's College", another missionary institution, had been founded at Calcutta in 1820 by means of subscriptions raised in England.[1] In 1823 a college had been founded and endowed liberally at Agra by a certain pandit Gangadhar without any pecuniary assistance from the government. Progress was in the air; but hardly had the members of the new committee assembled when they were called on to consider a petition, addressed to Lord Amherst, by Ram Mohan Roy. Its most notable passages were these:

"When this seminary of learning" (the new Sanskrit College) "was proposed, we understood that the government in England had ordered a considerable sum of money to be annually devoted to the instruction of its Indian subjects. We were filled with sanguine hopes that this sum would be laid out in employing European gentlemen of talents and education to instruct the natives of India in mathematics, natural philosophy, chemistry, anatomy and other useful sciences which the nations of Europe have carried to a degree of perfection that has raised them above the inhabitants of other parts of the world....We now find that the government are establishing a Sanskrit school under Hindoo pundits to impart such knowledge as is already current in India....The pupils will here acquire what was known two thousand years ago, with the addition of vain and empty subtilties since produced by speculative men, such as is commonly taught in all parts of India. The Sanskrit language, so difficult that almost a lifetime is necessary for its perfect acquisition, is well known to have been for ages a lamentable check on the diffusion of knowledge; and the learning concealed under this almost impervious veil is far from sufficient to reward the labour of acquiring it. If it had been intended to keep the British nation in ignorance of real knowledge, the Baconian philosophy would not have been allowed to displace the system of the schoolmen, which was the best calculated to perpetuate ignorance. In the same manner the Sanskrit system of education would be the best calculated to keep this country in darkness, if such had been the policy of the British legislature. But as the improvement of the native population is the object of the government, it will consequently promote a more liberal and enlightened system of instruction, embracing mathematics, natural philosophy, chemistry and anatomy, with other useful sciences which may be accomplished with the sum proposed, by employing a few gentlemen of talents and learning educated in Europe, and providing a college furnished with the necessary books, instruments and other apparatus."[2]

It does not appear that this petition produced any immediate impression, but it certainly bore fruit later on.

There were other progressive Indians who thought with Ram Mohan Roy. Bishop Heber's journals and correspondence throw considerable light on currents of opinion at this time. In a letter dated Calcutta, October, 1823, he remarked on the friendly attitude of

[1] Whitehead, *op. cit.* pp. 166–7. [2] Sharp, *op. cit.* pp. 99–101.

Hindus and Muhammadans towards mission schools, which, however, were very rarely attended by Muslim children. No objection was made to the use of the Bible as a class-book provided that the teachers did not urge their pupils to eat what would break their caste, or be baptised, or "curse their country's gods". Twenty schools had recently been established by Church of England missionaries. In December, 1823, he observed the increasing tendency "to imitate the English in everything". This had already led to important results and would lead to still more important results in future. Many wealthy Indians spoke English fluently and were tolerably read in English literature. In the Bengali papers, of which there were two or three,[1] politics were canvassed with a bias to Whiggism. Among the lower orders the same feeling was visible in a growing neglect of caste, and in an anxiety to learn and speak English, which, if properly encouraged, might in fifty years "make our language what Oordoo (Hindustani) is at present".[2] In 1824 Heber visited the Benares Sanskrit College, and after attending a lecture on astronomy wondered that such rubbish should be taught in a government college.[3]

The Committee of Public Instruction started with a credit of arrears of the government grant, but even so, suffered from narrowness of means. In the year 1824 the sum which could be spared for the Bengal Presidency was only £19,970. They decided to spend their money "on the best means of improving the education of the more respectable members of Indian society 'especially those who make letters their profession'". This they attempted to do by ignoring the indigenous schools and by printing in Sanskrit, Persian and Arabic, both original works and translations of such books as Hutton's *Mathematics*, Croker's *Land Surveying* and Bridge's *Algebra*. They further provided "literary endowments" for promising students of Indian classical literature, attached English classes to certain Orientalist colleges and started a few schools for teaching English. In fact they endeavoured to carry out the vague monitions of the directors, but soon found their path beset by eager applicants for the means of instruction in English. The situation has been described in these words by Charles Trevelyan, a young civil servant, one of their number who subsequently rose to high distinction:

> Upwards of 31,000 English books were sold by the school-book society in the course of two years while the committee did not dispose of Arabic and Sanskrit volumes enough in three years to pay the expense of keeping them for two months, to say nothing of the printing expenses....Among other signs of the times a petition was presented to the committee by a number of young men who had been brought up at the Sanskrit college, pathetically representing that, notwithstanding the long and elaborate course of study which they had gone through, they had little prospect of bettering their condition; that the indifference with which they were generally

[1] The first Bengali newspaper—the *Samachar Darpan* (mirror of news)—was issued from the Serampur Press on 31 May, 1818 (Marshman, *op. cit.* pp. 280–1).

[2] Heber, *Narrative and Letters*, II, 306–7.

[3] *Idem*, I, 295–6.

regarded by their countrymen left them no hope of assistance from them, and that they therefore trusted that the government, which had made them what they were, would not abandon them to destitution and neglect. The English classes which had been tacked on to the Sanskrit and other oriental colleges had entirely failed in their object. The boys had not time to go through an English in addition to an oriental, course; and the study which was secondary was naturally neglected. The translations into Arabic, also, appeared to have made as little impression upon the few who knew that language, as upon the mass of the people who were entirely unacquainted with it.[1]

Faced with such representations, the committee split into halves, the Orientalist and older party and the English, or younger, party. The first wished to continue the policy of "letting the natives pursue their present course of instruction, and of endeavouring to engraft European science thereon". The second desired to spend no more money on bounties to students of the Indian classical languages or on printing Sanskrit, Arabic and Persian books, but to devote all available funds to conveying to Indians, through the medium of English, the literary and scientific information necessary for a liberal education. Although for some time the knowledge so conveyed would be confined to a limited circle, it would soon penetrate to the outer community through the channel of a new vernacular literature. This doctrine became famous as "the filtration theory". Its advocates took inadequate account of the rigidity of Indian caste and occupational distinctions. Neither party proposed to do anything for the indigenous schools, and both agreed that the vernaculars "contained neither the literary nor the scientific information necessary for a liberal education".[2] Bengal in fact stood at a parting of the ways.

We must now briefly review events in Bombay and Madras. In the early years of the nineteenth century these presidencies greatly expanded and were fortunate enough to obtain as their governors two remarkable men who devoted much attention to education. Both presidencies had their own indigenous schools which roughly resembled those of Bengal and Bihar. In Bombay, where indigenous schools were far rarer than in Bengal,[3] Mountstuart Elphinstone obtained the sanction of the directors to the payment on a reduced scale of the *Dakshina* allowances formerly distributed by order of the Peshwas to Brahmans of distinguished learning in the Hindu scriptures, selected after examinations held in the presence of the Poona court. The money was eventually devoted to the establishment of a Sanskrit College at Poona. Elphinstone was desirous of diffusing "a rational education which by removing prejudices and communicating British principles would pave the way for the employment of natives in the higher branches of the public service". He strongly deprecated any admixture of religion with state education. He aimed

[1] Trevelyan, *op. cit.* p. 10.
[2] Trevelyan, *op. cit.* p. 21.
[3] Elphinstone observed of these: "Reading is confined to Brahmans, Banyans, and such of the agricultural classes as have to do with accounts" (Adam, *op. cit.* p. 268).

at encouraging, improving, and increasing schools for vernacular education and at establishing schools for the purpose of teaching English to those disposed to pursue it as a classical language and "a means of acquiring knowledge of European discoveries". He contemplated the preparation of books on moral and physical sciences in the vernacular and "standard examinations" for public employment.

"If there be a wish", he wrote, "to contribute to the abolition of the horrors of self-immolation and of infanticide, and ultimately to the destruction of superstition, it is scarcely necessary to prove that the only means of success is the diffusion of knowledge."

Before he resigned office, an English school, an engineering institution, and a medical school were opened in Bombay, and an English class was added to the Sanskrit College at Poona. The famous Elphinstone College represents subscriptions contributed in honour of his name by "princes, chieftains and gentlemen connected with the West of India as an endowment for three professors of the English language and of European arts and sciences".[1] His successor, Sir John Malcolm, recorded a minute in 1828 which expressed anxiety for the diffusion of instruction which would open the road to wider employment of Indians in posts of greater trust and responsibility. But for this purpose, Malcolm considered, no knowledge of English was necessary. "The acquisition of that would occupy a period required for other studies and pursuits." It was, however, essential that aspiring Indians should have the advantage of translations from English of scientific works and of books which would enable them to understand English principles of administration.

In Madras Sir Thomas Munro started enquiries in 1823 which showed that among a population estimated to number 12,850,941 there was one school to every 1000; but only a very few females were taught in schools.

"The state of education has", he minuted, "been better in earlier times; but for the last century it does not appear to have undergone any other change than what arose from the number of schools diminishing in one place and increasing in another, in consequence of the shifting of the population from war or other causes. The great number of schools has been supposed to contribute to the keeping of education in a low state, because it does not give a sufficient number of scholars to secure the services of able teachers."

He commented on the poor quality and general ignorance of the teachers.[2] He was inclined to assist indigenous schools in certain cases, but not to interfere with them, and was anxious to establish a "normal" school in a central place for training teachers as well as two government schools in every district, one for Hindus and one for

[1] *Parl. Papers, E.I.C.* 1832, general, App. I, p. 469.

[2] Sharp, *op. cit.* I, 73–4. It is clear from a letter from Munro to Canning that he also contemplated the extension of a knowledge of English literature among the Hindus. Gleig, *Life of Munro*, II, 186.

Muhammadans. But he died in 1827; and his scheme did not commend itself to the directors, who had now become anxious to have at their disposal "a body of natives qualified by their habits and acquirements to take a larger share and occupy higher positions in the civil administration of their country than had hitherto been the practice". The Madras scheme dissolved; but in that presidency a colloquial knowledge of English was more commonly found than in Bengal. Several distinct languages were spoken there, and English had been largely adopted as a common medium of intercourse. The missionaries too were busy. Their activities in the whole educational field induced Charles Metcalfe to observe in 1834, when quitting the governor-general's council on promotion: "They seem destined by almighty Providence to be the chief instruments for improving and enlightening the inhabitants of this country through the means of education and moral instruction".[1]

In the year 1828 Lord William Cavendish Bentinck became governor-general. A Whig in politics, he was a courageous and zealous reformer. After careful investigation he summarily forbade sati against the advice not only of Horace Hayman Wilson, the most prominent Orientalist, but also of Ram Mohan Roy. Again despite Orientalist advice to the contrary, he established a new medical college for training Indian students entirely on Western lines.[2] He further meditated reforms in education, but decided first to obey the old orders of 1814 and obtain definite information about the indigenous schools. Unfortunately, however, he delayed action till January, 1835,[3] the very year of his departure; and in the meantime the differences between the two parties on the Committee of Public Instruction had come to a head. The English party had been supported in Calcutta by a forceful recruit in the person of Alexander Duff, a Scotch missionary who, arriving in India in 1829, had opened a secondary school, with the assistance of Ram Mohan Roy, and had already attracted numerous Hindu pupils. Duff urged vehemently that not only was Sanskrit unadaptable as a medium of modern education, but that, by an ordinance reckoned to be divine, three-fourths of the people, consisting of the mixed and lower classes, were forbidden the study of it.

> "There are", he argued, "scarcely any European works translated into Sanskrit; and even if there were, every term in that sacred tongue is linked inseparably with some idea, or sentiment, or deduction of Hinduism which is a stupendous system of error;...whereas in the very act of acquiring English, the mind, in grasping the import of new terms, is perpetually brought into contact with new truths and ideas so that by the time that the language has been mastered, the student must be tenfold less the child of pantheism, idolatry and superstition than before."[4]

[1] Kaye, *Life of Metcalfe*, II, 229. Cf. Mahmud, *op. cit.* p. 39.

[2] Article, "Hindu Medicine and Medical Education", *Calcutta Review*, 1866, XLII, 106–25.

[3] Article by Duff on "Indigenous education in Bengal and Bihar," *Calcutta Review*, 1844. Cf. Adam, *op. cit.* pp. 10–13.

[4] Paton, *Life of Duff*, p. 66.

Unlike Carey, Duff was no Orientalist, but he took pains to learn Bengali and arranged that his pupils should study their mother-tongue.

These, then, were the issues which pressed for decision at Calcutta in the early 'thirties.

(*a*) Should anything be done for mass-education; or should it be left to unaided indigenous schools?

(*b*) Should all idea of grafting the modern learning of the West on the ancient learning of the East be abandoned as impracticable?

(*c*) Should the filtration theory be adopted and all available funds be devoted to advancing Western knowledge among the upper classes through the medium of English? No one at Calcutta argued that the Bengal vernaculars would serve as a medium, although the governments of Bombay and Madras were disposed to use their own very different vernaculars for the diffusion of general knowledge. The Calcutta Government, too, had recently substituted vernaculars for Persian in the law courts of the Bengal Presidency.[1]

The filtration theory and the virtual supersession of the classical languages by English were advocated by advanced Hindus in Calcutta, by the followers of Hare and Ram Mohan Roy, by Duff and his missionary supporters, and by "the English party" on the Committee of Public Instruction. It is important to notice that the strongest influences in bringing this "English party" into existence were the petition of Ram Mohan Roy and the practical experience of the committee. In this way a policy was shaped which contemplated the eventual use of the vernaculars for the diffusion of Western knowledge, but the immediate employment of English for this purpose, and of English alone. It commended itself to the directors who, from motives of economy as well as for reasons of policy, wished to see a substantial contingent of Western-educated Indians in the public services.[2] Their interest in indigenous schools had long since evaporated; and on 8 February, 1829, they had reminded the governor-general that the one lakh grant was to be placed at the disposal not of one alone, but of all three presidencies, and that it was only to be allotted "in the event of there being a surplus revenue after defraying all the expenses of government".[3]

Ram Mohan Roy had gone to England in 1830, where he was received with honour and gave evidence on Indian affairs before a select committee of the House of Commons; but, to the bitter loss of his country, he died at Bristol in 1833.[4] In the same year parliament,

[1] See Prinsep's Diary, *ap.* Sharp, *op. cit.* I, 133. It appears, however, from circular 220 of the nizamat adalat dated 27 January, 1837, that while the depositions of parties or witnesses were to be taken down in the languages in which they were delivered, Persian translations were to be annexed to the records if the latter were called for by the nizamat court (*Circular orders of the Calcutta Nizamat Adawlat*, 1846, p. 268).

[2] Dispatch, 29 September, 1830.

[3] Howell, *op. cit.* p. 20. Cf. Mahmud, *op. cit.* p. 47.

[4] See *The Last Days of Ram Mohan Roy*, especially pp. 90 and 94, also *Reports, Committees, E.I.C.* 1831–2 (4), VIII, 391.

after prolonged enquiry, decided when renewing the charter of the East India Company to dissociate that body altogether from trade, to add a "legal member" to the governor-general's council, and to declare that no native of India would in future be debarred from office or employment by reason of religion, place of birth, descent or colour.[1] On 10 December, 1834, the directors informed Bentinck's government that every effort must be made to enable natives of India to compete for the public service with fair chance of success, "whether by conferring on them the advantages of education or by diffusing on them the treasures of science, knowledge and moral culture".

In the autumn of 1834 Thomas Babington Macaulay, who had been appointed to the legal membership of the governor-general's council, arrived at Calcutta and was appointed president of the Committee of Public Instruction, which he found hopelessly divided between the Orientalist and the English parties. The Orientalists had lost a strong champion in H. H. Wilson, who had left India in January, 1833. Macaulay declined to take an active part in its proceedings until the government had passed judgment on the main issue in dispute; but on 2 February, 1835, he presented a lengthy minute to Bentinck in support of the English party. In some passages he poured scorn on Oriental literature, of which he knew nothing. In others, while asserting that he would strictly respect all existing interests, he proposed not only to stop the printing of Arabic and Sanskrit books, but to abolish the Muhammadan Madrasa which had been founded by Warren Hastings and the Calcutta Sanskrit College. No stipends, he urged, should in future be given to students at the Benares and Delhi colleges. The funds thus set free would be given to the Vidyalaya at Calcutta and to the establishment of English schools in the principal cities of Upper India. With the limited means available it was impossible to educate the body of the people. Endeavours should be made to form a class of persons "Indian in blood and colour, but English in tastes, in opinion, in morals and in intellect". These would refine the vernaculars, enrich them with Western terms of science and render them by degrees fit vehicles for conveying knowledge to the great mass of the population.

Bentinck promptly noted his "entire" concurrence with Macaulay's views. In the previous month he had placed William Adam, editor of a popular Calcutta journal and ex-missionary, under the orders of the Committee of Public Instruction to conduct enquiries into the state of indigenous education in Bengal. In a minute dated 20 January, 1835,[2] he had observed, when appointing Adam, that a true estimate of the Indian mind and capacity could not be formed without the information which Adam was to collect. Adam, however, had barely begun when Macaulay's minute was laid before Bentinck's

[1] Cf. pp. 3 *sqq.*, *supra*.

[2] Adam, *op. cit.* pp. 10–13.

colleagues with the governor-general's note of concurrence and an adverse memorandum drawn up by H. T. Prinsep, a civil servant of twenty-six years' service, Persian secretary to the government and member of the Committee of Public Instruction.[1] But already the news had leaked out that the Sanskrit College and the Muhammadan Madrasa were to be abolished, and petitions against such proceedings, signed by thousands of Hindus and Muhammadans, had been presented. After a hot debate in council between Macaulay and Prinsep, it was decided on 7 March, 1835, that

the great object of the British Government ought to be the promotion of European literature and science among the natives of India; and that all the funds appropriated to education would best be employed on English education alone.

But no college or school of Indian learning, which enjoyed any popularity, would be abolished. Existing professors and students at such institutions as were under the committee's superintendence were to go on receiving their stipends. No more students, however, were to be supported during the period of their education and no money should be employed on printing Oriental works. All funds thus released should be employed "in imparting to the native population a knowledge of English literature and science through the medium of the English language".

Prinsep's memorandum,[2] dated 15 February, 1835, was by Bentinck's order excluded from the record on the ground that its author was a secretary and not a member of council. But it survived and still gives the case for the Orientalists. The weightiest passages were those in which the author urged the veneration in which Sanskrit and Arabic were still held by Hindus and Muslims as communities. Bounties to students were, he contended, really scholarships, and in the Muhammadan Madrasa had been given for proficiency in English.

"Undoubtedly", ran the memorandum, "there is a very widely spread anxiety at this time for the attainment of a certain proficiency in English. The sentiment is to be encouraged by all means as the source and forerunner of great moral improvement to those who feel its influence; but there is no single member of the Education Committee who will venture to assert that this disposition has yet shown itself extensively among the Mussalmans. It is the Hindus of Calcutta, the sirkars (accountants and commercial managers) and Kulin (Brahman) connections, and the descendants and relations of the sirkars of former days, those who have risen through their connexion with the English and with public offices, men who hold that a knowledge of English is a necessary *qualification*. These are the classes of persons to whom the study of English is as yet confined; and certainly we have no reason yet to believe that the Mussalmans in any part of India can be reconciled to the cultivation of it, much less give it a preference to the polite literature of their race or to what they look upon as such."

[1] Brother of the remarkable James Prinsep, F.R.S., sometime secretary of the Asiatic Society of Bengal (see James Prinsep, *Essays on Indian antiquities*, ed. by Edward Thomas, John Murray, 1858, I, iii).
[2] Sharp, *op. cit.* I, 117.

This passage elicited the following marginal note from Macaulay: "There is no good English scheme for the Mussalmans; and one of our first duties is to establish one". No such scheme was, however, established. The Muhammadans were opposed to the whole project, looking upon the exclusive encouragement of English as a step toward religious conversion.[1]

In a minute dated 20 May, 1835, laid before the council after Bentinck's departure, Prinsep called the resolution of 7 March "a rash act". The natives should (he said) be left to choose their own courses of education, and all should equally be encouraged by the government, who should however arrange "to give them the direction to true science and good taste in literature which the superior lights of Europe enable us to bestow". Any deviation from this principle of free choice and equal encouragement could only do mischief by exciting feelings of distrust and perhaps irritation.

Macaulay remained president of the Committee of Public Instruction till 1838. His writings show how seriously he took his voluntary and unpaid duties, and how earnestly he tried to lead the young generation to a knowledge of the best English literature, which he relied on as a strong cultural and religious influence. Unlike Grant, he took no particular thought for science or agriculture. European knowledge would soon, he thought, be exhibited in the vernacular languages. As things were going, in thirty years there would not be a single idolater among the respectable classes of Bengal.[2] His committee began to establish Anglo-vernacular schools at the headquarters of various districts. These were first known as "zillah" (district) schools and afterwards as "high" schools. The courses of study therein were mainly literary, an arrangement which accorded with Macaulay's own taste and with the inclinations of people whose traditional systems of learning were chiefly literary and religious.

It is regrettable that such important issues as those involved in the decision of 7 March, 1835, had become "a watchword for violent discussion and personal feeling".[3] Had there been less heat in the whole contention, Macaulay would have been persuaded that he really had something to learn from the Orientalists, and that the whole past and present of the great religious and social systems, which he did not care to understand, forbade even the remotest possibility of their collapse within any measurable period of time. That in any case the new education would leave women untouched, that the Muhammadans were strongly averse to it, these and other obvious considerations were dismissed by him as negligible. It was unfortunate too that the results of Adam's enquiries were not available for Bentinck and his council. Had they been aware of the extent of self-supporting indigenous education, they might have cut the Gordian

[1] Mahmud, *op. cit.* p. 54. [2] Trevelyan, *Life and Letters*, p. 464.
[3] Lord Auckland, *ap.* Sharp, *op. cit.* I, 147.

knot in less trenchant a fashion. But their funds were extremely limited, and in view of the ideas prevalent both in parliament and in Leadenhall Street, they naturally made a strong effort to push the kind of education for which there was evidently a clamant local demand. Macaulay and his minute precipitated a decision which was hardly avoidable. Yet the views recorded by Bentinck in his minute of 20 January, 1835, show that, after writing it, he was completely carried away by Macaulay's vigorous eloquence.[1]

Duff was better informed than Macaulay, for he viewed the situation with some degree of Indian experience. He approved of the decision of 1835, but considered that the exclusion of religious teaching from the government schools would leave a void which the missionaries must labour to fill: modern knowledge was like the ocean seen to roll its waters from shore to shore. But if like the ocean it had its gentle breezes, might it not have its storms and quicksands too?[2] He returned to his work as a Christian educationist and achieved remarkable success. Believing his own creed to be true, he believed that it could be reconciled with everything else which is also true. With the power of a great personality he influenced the lives of many.[3]

In spite of Bentinck's very definite declaration and Macaulay's prompt action, in Bengal only was the teaching of English continuously preferred to all other educational objectives. Even there the pendulum swung back in some small degree. The decision to spend no more money on Oriental works was modified in 1838 and a grant of 500 rupees a month was allotted to the Asiatic Society of Bengal which enabled it to carry on the valuable *Bibliotheca Indica* series of Sanskrit, Arabic and Persian texts.[4] The directors hesitated to make English a medium of teaching; and had not the rage for learning English spread rapidly in Calcutta, the history of education in after years might have taken a somewhat different course.

In March, 1836, Lord Auckland became governor-general and was faced by an attempted renewal of the controversy of 1835. Before his arrival restrictions on the press had been removed by Metcalfe, and journalism had thus been greatly stimulated. Now Adam's reports began to come in and afforded food for much reflection. Accurate information regarding the indigenous systems was at last provided; there were no vernacular textbooks; the miserable condition of the schools was emphasised; the possibility of converting them into something better was insisted on. They should be left in the hands of the

[1] Adam, *op. cit.* p. 10. We may note that on 28 December, 1855, Max Müller was given an interview by Macaulay when the Professor, "primed with every possible argument in favour of Oriental studies, had to sit silent for an hour while the historian poured out his diametrically opposite views, and then dismissed his visitor who tried in vain to utter a single word. 'I went back to Oxford', he said, 'a sadder and a wiser man'". *Life of Max Müller*, edited by his wife, I, 162, Longmans, Green, 1902.

[2] Duff, *op. cit.* p. 265.

[3] See Paton, *op. cit.*

[4] *Centenary Review of Asiatic Society of Bengal* (1784–1883), p. 59.

people, but assisted in various ways. This should be the supreme objective. Western knowledge was much needed, but nowhere should English be a medium of instruction. At present a class of men was being produced who stood apart from both their fellow-countrymen and the British, and found inadequate scope for their attainments. The masses were left in ignorance; so industry languished; crime flourished; the support of the people for salutary measures could not be counted on. The press was now free; the civil and political rights of the people had been enlarged; but the government should, by a general system of instruction, timely established, teach the people "the proper use of the mighty instrument which had been placed in their hands and of the various franchises that had been and might be from time to time bestowed".[1] Auckland was impressed by Adam's arguments but saw that to accept them would mean delay and open up vistas of heavy expenditure; the filtration theory must now be fully tested. Money too was scarce. Only £24,000 was annually available for the whole Bengal Presidency. So the governor-general wrote a minute[2] of prodigious length, adhering to the filtration theory but emphasising the importance of providing a larger number of good vernacular class-books. Orientalist colleges must be kept in funds; but nothing could be done at present for the indigenous schools. In a dispatch of 20 January, 1841, the directors agreed with him; but abandoning to some extent the views of Macaulay and Bentinck, they stated that the diffusion of European knowledge need not necessarily be through English. Vernacular translations of English books would serve for the purpose.

In 1842 the Committee of Public Instruction was superseded by a Council of Education composed partly of Indian gentlemen. This body's activities were mainly limited to Calcutta. Outside the capital the government was responsible; and in April, 1843, the control and management of educational institutions in the Upper Bengal or the North-Western Provinces were made over to the lieutenant-governor, Sir G. Clerk, who in August attacked the accepted policy, laying stress on the difference between the habits and customs of the influential classes in the upper and the lower provinces. In the former the native gentry neither countenanced nor supported the government schools. In 1844 Lord Hardinge's government announced that candidates qualified by a knowledge of English would be preferred for the public service.[3] Examinations were instituted by the Council of Education and students who qualified therein were enrolled as fit for (although not necessarily entitled to) employment. The distinction

[1] Adam, *op. cit.* pp. 341–2. [2] Sharp, *op. cit.* I, 160.

[3] In 1830 the government of the Bengal Presidency had notified "that in the nomination of government vakils (agents) in the native courts and of agents with the Commissioners", familiarity with English would constitute a recommendation to preference unless on special grounds this rule was disregarded. It is, however, doubtful if it was ever acted on. *History of the Benares Sanskrit College*, p. 73.

was not appreciated, and those who were unsuccessful in obtaining such posts as they desired resented the disappointment. Western education, however, had been clearly declared a passport to government service, the most coveted of all professions.

Anglo-vernacular schools were established in outlying districts of Bengal, and in 1844 some vernacular village schools were started which ended in failure. The indigenous vernacular schools were left out in the cold; they neither improved in quality nor declined in number. From considered reluctance to infringe in any way on social custom and on long-standing ideas regarding the seclusion or subjection of women, the government stood aside from the efforts of the missionaries, of David Hare, and of a few private societies and individuals, to promote female education. The missionaries started day-schools for girls, boarding establishments for orphans and domestic instruction in the families of the middle and higher classes. The results were small; but the main credit of a great initiative rests with them.[1] From Leitner's Report it appears that there was far more indigenous female education in the Panjab than there was in the older provinces. A school for girls was in 1849 established and maintained in Calcutta by J. E. D. Bethune, member of the governor-general's council and president of the Council of Education, who spent his money freely on the undertaking.[2] Dalhousie considered that this generous example was likely to be followed by Indian gentlemen and that schools for girls could be promoted by district officers. The directors, however, threw cold water on this idea as they were unwilling to alarm conservative Indian opinion. After Bethune's untimely death, the expenses of his school were borne first by Dalhousie and afterwards by a fund raised by public subscription to carry on Bethune's work.

While Western education was acquiring increasing momentum among the Hindus of Bengal, it progressed very slowly in inland provinces where government servants were practically the only European residents. James Thomason, lieutenant-governor of the North-Western Provinces from 1843 to 1853, was anxious to promote rural education[3] "enlisting the persons whom the people may themselves select as teachers, and support for that purpose". Enquiries had disclosed the fact that in these provinces only 64,335 (50,026 Hindus and 14,309 Muhammadans) out of a population of 21,630,167 were in receipt of any education. Eventually a *halqabandi* (circle) school system was devised whereby villages were grouped in circles of five, the land-holders of each group undertaking to pay for a school by a voluntary cess of 1 per cent. on the land-revenue. This system was in 1852-3 introduced into eight districts and was afterwards

[1] Richey, *Selections from the Educational Records*, p. 34; Adam, *op. cit.* pp. 335-7.

[2] *Calcutta Review*, XXI, 513.

[3] Richey, *op. cit.* p. 61; also a memorandum by R. Burn, Census Superintendent North-Western Provinces and Oudh (unpublished).

extended as other districts came under land-revenue settlement. The scheme, as sanctioned by the directors, involved the levy of a cess of 1 per cent. on the rent, which was deducted before the revenue was calculated, so that payment was shared by the government and the land-holder. In Bombay the government ignored the filtration theory, and endeavoured primarily to promote education through the vernacular, admitting to education in English those who sought it and "had the capacity to acquire European learning".[1] Throughout the southern presidency missionary enterprise was busy. English, Scotch, Americans and Irish Presbyterians vied with each other in honourable rivalry.[2] In 1839 Lord Elphinstone, governor of Madras, advocated the establishment of a university open to students who possessed some knowledge of English. The institution came into existence as a school which in 1852 bore the title of the "Madras University High School". It was then the only state or state-controlled school or college in the presidency. But the gap left by the government had been filled by missionaries of various denominations, Jesuit fathers, Wesleyans and the English, Scottish and American Churches. The number of missionary schools in Madras exceeded those in all other presidencies put together.[3]

Kaye tells us that the state educational expenditure in 1853 amounted to about £70,000. For many years, as Dalhousie observed, the public finances had been "in a condition which clogged the action of the government".[4] In Bengal the government was maintaining thirty colleges and schools in which English was taught, but only thirty-three vernacular schools against Bombay's 233. Among the most successful government institutions were the Medical College started by Bentinck in Calcutta, and the Thomason Engineering College at Rurki in the North-Western Provinces. Throughout India the Hindu aristocracy held aloof from the new learning. Their literary tastes were satisfied by the poetry of their race; and they had no inclination to send their sons to schools where social contact with boys of a lower order would mean contamination. The Muhammadans, as a body, also stood outside. They had never felt disposed to do anything else. Proud of an imperial past, attached to their own classics,[5] they held that religious and secular instruction should go together. Their young men were freely employed in administrative posts, but despised clerical and office work.

As the time approached for another revision of the Company's charter, it became more and more apparent that uniformity and constancy of aim were lacking in the educational policies of the various provincial governments. The situation was reviewed by Dalhousie,

[1] Richey, p. 18. [2] *Report of the Education Commission of* 1882, pp. 12–13.

[3] Madras Administrative Report, 1855–6; Richey, *op. cit.* p. 183. See also Satthianadhan, *History of Education in Madras*, pp. 38–9, and *Report of the Education Commission of* 1882, p. 10.

[4] Richey, *op. cit.* p. 113.

[5] *Report of the Education Commission of* 1882, p. 483.

who forwarded proposals to the directors. A parliamentary committee was appointed and examined a number of witnesses, including such veterans as Trevelyan and Duff. Sir Charles Wood, president of the Board of Control, after much deliberation, forwarded a scheme to India through the court of directors (dispatch 49 of 19 July, 1854) which imposed upon the government the task of "creating a properly articulated scheme of education, from the primary school to the university". As state schools and colleges were intended to benefit the general population, the instruction which they gave must obviously be "exclusively secular"; but

every honest educational agency, whether religious or not, should be encouraged to the utmost, under the inspection and direction of a government department, and with the encouragement and assistance of the local officers of government, upon the value of which emphasis was laid.[1]

The filtration theory was unsatisfying. The indigenous schools were no longer to be left to themselves, but "made capable of imparting correct elementary knowledge to the great mass of people". The methods adopted in the North-Western Provinces for promoting rural education were commended for general imitation. A regular system of scholarships must be instituted to connect lower schools with higher, and higher schools with colleges. Voluntary effort must be supported by grants-in-aid from the state awarded with entire impartiality. Female education must be frankly and cordially supported. It might be anticipated that eventually state education would become education supported where necessary by state grants-in-aid.

Universities would be established at Calcutta[2] and Bombay and would be allowed at Madras or elsewhere provided a sufficient number of colleges were forthcoming. They would be examining bodies on the model of the London University, depending, so far as teaching was concerned, upon the various colleges, whether maintained by government or voluntary effort. But professorships should be instituted for instruction in such subjects as law and civil engineering. It would greatly encourage the cultivation of the vernaculars if chairs were also founded for promoting the study of these languages and perhaps also of Sanskrit, Arabic and Persian. The acquisition of degrees would bring highly educated young men to the notice of the government and facilitate selections for the public services.

The particular attention of the government should be given to the diffusion through the schools of useful and practical knowledge among the people generally. So far state energies had been too exclusively directed toward "providing a very high degree of education" for classes who were often able and willing to bear at least a considerable portion of the cost themselves. More could be done to

[1] *Calcutta University Commission Report*, I, 40.

[2] A scheme for a university at Calcutta had been proposed in 1845 by the Council of Education, but had remained in abeyance.

prepare good vernacular class-books containing European information. Teaching of English, where there was a demand for it, should be combined with careful attention to the vernaculars, but English alone possessed a sufficiently supple and extended vocabulary for conveying the elements of Western sciences. This exhaustive dispatch concluded with the observation that no sudden or speedy results could be expected from the adoption of the wide measures prescribed. The outcome depended far more on the people themselves than on the government.

No time was lost in acting on these orders,[1] which, in Dalhousie's words, "set forth a scheme of education for all India far wider and more comprehensive than the supreme or any local government could have ventured to suggest". Departments of public instruction were organised; and in 1857 examining universities were established at Calcutta, Bombay and Madras. But work had hardly begun when the Mutiny intervened; and it is natural to enquire whether British educational policy had contributed to produce that great struggle. Kaye replies in the affirmative,[2] pointing out *inter alia* that the policy of the dispatch of 1854, relying partly on missionary aid, and aiming at penetrating even to the zenanas, was in fact a challenge to Brahmanism, and that the tendency of educational measures from 1835 onwards had been to curtail Muhammadan emoluments and Muhammadan dignity. Outram considered that the crusading, improving, spirit of the past twenty-five years was bound to cause a resounding clash.[3] It certainly gave the instigators of rebellion one of the principal texts from which they preached. But features in various outbreaks revealed unmistakably the full extent of the dangers which spring from unbounded and credulous ignorance. Lord Canning had received a disagreeable shock from the attitude of the Bengali press at the very crisis of the empire's fate;[4] but he never faltered in pursuing the educational policy laid down in 1854.

> Among many subjects of importance none can have a stronger claim on our attention than that of education. It is one of our most sacred duties to be the means, as far as in us lies, of conferring upon natives of India those vast moral and material blessings which flow from the diffusion of useful knowledge, and which India may, under Providence, derive from her connection with England.

So ran the preamble of the dispatch of 1854. The pioneers of this policy were Grant and Carey. Wilberforce lent his powerful aid; the unremembered Robert Smith suggested the clause which proved the starting-point for a great undertaking; Hare by his devoted labours earned the lasting gratitude of Bengali Hindus;[5] Ram Mohan Roy

[1] See *Calcutta Review*, 1860, xxxv, 401–26.
[2] *History of the Indian Mutiny*, I, 131–43.
[3] Lee-Warner, *Dalhousie*, II, 355.
[4] Donogh, *Law of Sedition in India*, p. 182; Kaye and Malleson, *History of the Mutiny*, III, 13.
[5] Banerjee, *A Nation in the Making*, pp. 1–2.

prepared the way for Bentinck and Macaulay. A Hindu movement in Calcutta, due largely to the persevering efforts of the missionaries, combined with the general trend of political thought in England, with the eloquent pen of Macaulay and with the inclinations of the governor-general to produce the decision of 1835 which was in the circumstances natural but broke violently with the past, took no account of the indigenous vernacular schools or of the importance of preserving as far as possible their self-supporting character, and encouraged tendencies which, as years went on, passed beyond control. The new policy was carried into effect in Bengal by a brilliant Whig politician who possessed no knowledge of the history of Indian thought and no understanding of the Indian mind. The years which followed 1835 were years of varying opinion, uneven direction, and scanty expenditure. Then a great governor-general found time to consider education and corresponded with a president of the Board of Control, who, convinced of the supreme importance of the subject, gave it elaborate attention, and pricked out a chart for future guidance. His chief desire was that England should do her duty by those many millions for whose welfare she had undertaken responsibility, that they should be less and less cramped and plagued by the evils which spring from ignorance and tyrannical superstitions, that while the ancient learning of India should still be held in honour, her peoples should no longer be penned behind those barriers of stationary thought which for long centuries had been so powerfully restrictive. But he saw clearly that whatever the government might attempt, the eventual issues lay with the people themselves.

CHAPTER VII

SOCIAL POLICY TO 1858

BY the charter of 1698 parliament provided for the maintenance of ministers and schoolmasters in all the Company's garrisons and superior factories. The ministers must learn Portuguese within one year of their arrival in India and must apply themselves to acquire knowledge of the native languages in order to be able "to instruct the gentoos that shall be servants or slaves of the Company or of their agents in the Protestant religion". In 1700 the directors communicated to their "commanders of ships and agents of factories" a form of prayer, sanctioned by the Archbishop of Canterbury and the Bishop of London, which contained the supplication

> that we adorning the Gospel of our Lord and Saviour in all things, these Indian nations among whom we dwell, beholding our good works may be won over to love our most holy religion, and glorify thee, our Father which art in Heaven.[1]

Forty years before, when asking certain doctors of Oxford and Cambridge for assistance in procuring the services of a chaplain for their settlements, the directors had expressed a vague desire "to endeavour the advance and spreading of the Gospel in India";[2] but whatever might be the views of the day in Leadenhall Street, the governors and councils at Madras, Calcutta and Bombay were by no means inclined to missionary enterprise. The records of the India Office contain a bitter complaint written about 1702, by Benjamin Adams, chaplain of "the Bay" (of Bengal), emphasising the great discouragement and disadvantage under which the "missionary clergy" abroad were living, and the opposition which they met from their own chiefs.[3] The majority of the scanty staff of chaplains who were sent out were engaged for periods of three, five, or seven years; they were often incapacitated by illness; they often refrained from learning Portuguese, and in the ordinary course of their duties they had small occasion to learn thoroughly any Indian language. A more pressing care was the religious instruction of the "children of mixed parents" among their congregations. In Madras these would largely have been left to French or Portuguese Roman Catholic priests, had not other teachers come forward. For political and religious reasons the governor and council were glad to obtain assistance from the Lutheran missionaries of Tranquebar, Danish and German, who received generous financial support from the British Society for Promoting Christian

[1] Hyde, *Parochial Annals*, Appendix A, and Penny, *Church in Madras*, I, 125.
[2] Sainsbury, *Court Minutes*, 1655–9, p. 227.
[3] Hyde, *op. cit.* p. 75.

Knowledge. In gratitude for services, both in teaching the children of the Portuguese, Tamils and Eurasians employed by the Company's merchants and factors, and in ministering to the Company's soldiers, British, Swiss, Hanoverians and other Germans, these men received free passages to India from the directors, and their goods were conveyed free of charge. The most notable among them was the German Pietist, Christian Swartz, who was employed by Sir Thomas Rumbold on a secret mission of peace to Hydar Ali in 1779, and afterwards accepted a chaplaincy, continuing all his missionary activities.[1] A monument erected after his death in the fort church at Madras at the expense of the Company testifies that for fifty years he "went about doing good", and that in him "religion appeared not with a gloomy aspect or forbidding mien, but with a graceful form and placid dignity".

While German and Danish missionaries were thus honoured in the comparatively small presidency of Madras, the problems of managing vast territories peopled by multitudes of various religions were pressing heavily on the rulers of Bengal. By the regulations of 1793 the governor-general in council promised to "preserve the laws of the Shaster and the Koran, and to protect the natives of India in the free exercise of their religion". All rites and customs were to be tolerated; all endowments were left untouched; all religious liabilities created by former rulers were accepted as trusts. As we saw in our last chapter, when in 1793 the Company's charter came up for renewal, Wilberforce failed to persuade parliament to impose missionary responsibilities on the court of directors, and William Carey and his coadjutors made their way to India without licences from that body. Once at Serampur they could claim protection from the Danish flag. But they owed their subsequent success very largely to Lord Wellesley's favour, for he not only appointed Carey teacher of languages in the new college for young civil servants, but personally subscribed £800[2] to the building of a church at Serampur, subsidising too the translation of the Christian Scriptures into Indian languages, "to give the learned natives access to the sacred fountain of divine truth". He "thought that a Christian governor could not have done less, and knew that a British governor ought not to do more".[3]

In religion as in other matters Wellesley pursued a policy of his own; but he left India in 1805 and his successors were inclined to reverse this policy. The Serampur missionaries, too, had been greatly encouraged and conducted their operations with less discretion. Friction with the government began, and was intensified by the news of the mutiny at Vellore in 1806. There was no apparent connection between this event and any missionary activities,[4] but the Madras authorities stated that malicious reports had been current that it

[1] See v, 282, *supra*.
[2] Marshman, *Carey, Marshman and Ward*, p. 170.
[3] Hansard, xxv, 697–8.
[4] Mill and Wilson, *History of British India*, vii, 101.

was the wish of the British Government to convert the people of the country to Christianity by forcible means. From 1807 to 1813 mission work was an object of nervous apprehension to the government at Calcutta; and missionaries without licences from the directors were on various occasions deported from or refused permission to land in British India.[1] Meantime, however, Methodists and Evangelicals were vigorously stimulating religious enthusiasm in England. The "Particular Baptist Society" which supported Carey and his colleagues had received subscriptions from Christians of other denominations and a remarkable testimonial from the *Quarterly Review*;[2] Wilberforce and the Clapham sect had procured the stoppage of the slave-trade. The Church Missionary Society, the Bible Society, the London Missionary Society and other religious associations, new and old, were gathering increased support. Charles Grant's influence was powerful in Leadenhall Street. When Lord Minto's government sent home an account of its differences with the Serampur missionaries, it had been told that the directors were not averse to the introduction of Christianity, but to any imprudent or injudicious attempt to introduce it by methods which irritated other religious prejudices. It was enjoined to abstain from all unnecessary and ostentatious interference with the proceedings of the missionaries.

"On the other hand", wrote the court, "it will be your bounden duty vigilantly to guard the public tranquillity from interruption, and to impress upon the minds of all the inhabitants of India, that the British faith, upon which they rely for the free exercise of their religion, will be inviolably maintained."[3]

When the Company's charter came under revision in 1813 the tide in England was flowing in favour of the missionaries. It was urged that the real question was not whether the natives of India should continue to enjoy complete religious toleration, but whether that toleration should be extended to the teachers of Christianity. Quite apart from any doctrinal considerations, the spread of Christianity had always meant moral progress; and the existence of such customs as widow-burning and female infanticide showed that moral progress was urgently required in the interests of humanity. It had been said that the British empire in India was insecure and might easily be upset by religious agitation. Indeed it was—a column upon sand was but a feeble emblem of its insecurity. But even worldly policy demanded that India should be "trained up in civilisation and Christianity, like a child by its guardian, till such tutelage was no longer needed". At present

if England were dispossessed of its dominion in India nothing would be retained of all we could have taught but that improved discipline which the people would

[1] Stock, *History of the Church Missionary Society*, I, 99.
[2] "Baptist Missions", *Quarterly Review*, February, 1809, I, 225.
[3] Dispatch, 7 September, 1808; Kaye, *History of Christianity in India*, pp. 513–18; *Quarterly Review*, March, 1813, IX, 236.

exercise first to our destruction and then to their own. Not a trace of our language would remain; and for our religion the Hindoo historians would argue that we had none.

Such were the arguments on one side. With variations they were pushed so vehemently that petitions loaded the tables of the houses of parliament from religious bodies of all kinds.[1] On the other hand it was argued that in the matter of religion the natives of India were peculiarly sensitive. Evidence on this point, taken by a committee of the Commons so far back as 1781, had elicited the unanimous opinion that "any interference with the religion of the natives would eventually insure the total destruction of the British power". On no account should missionaries be employed or maintained by the government. They might go to India as they had gone heretofore or under new restrictions; they might preach, translate and teach at their own risk; but no sanction should be given by government to their proceedings, and no attempt should be made to tie the hands of government from restraining their activities.

As has been shown in the last chapter, Wilberforce had abated the demands of 1793, and now gained his main point, for not only were missionaries allowed to appeal to the Board of Control against refusals by the directors to allow them to proceed to India, but resolutions were incorporated in the new charter act which favoured the adoption of a policy of promoting religious and moral improvement. The Company's Anglican establishment was placed under the superintendence of a bishop and three archdeacons, for whose maintenance adequate provision was to be made from Indian territorial revenues. On 8 May, 1814, the first bishop of Calcutta was consecrated in Lambeth Palace privately in order to avoid offending Indian religious susceptibilities, which were in fact totally unruffled by this event.[2] Between the years 1813 and 1833 Christianity gained converts; missionaries of various denominations considerably increased and maintained friendly relations with the people and with the authorities. When the charter was again renewed in 1833, arrangements were made for the establishment of the episcopal sees of Madras and Bombay. Missionaries were enabled to proceed to India without licence from any authority, and rendered invaluable assistance to the government in educational enterprise. Under the scheme of 1854 their schools became eligible for grants-in-aid. While, moreover, the directors declared that education must be purely secular in state schools and colleges, they understood that bibles were placed in the libraries of these institutions, and had no desire to prevent any explanations which pupils might spontaneously ask from teachers on this subject provided that such information was given out of school hours.

[1] Mill and Wilson, *op. cit.* VII, 389–96, 401.
[2] Kaye, *British India*, pp. 646–7.

But in other respects relations were less harmonious. Complaints were made of the disabilities imposed on Indian converts to Christianity by the government's regulations and of official encouragement accorded to idolatrous ceremonies and practices.[1] The fact was that succeeding to the thrones of Indian rulers, the British Government had sanctioned by regulations certain usages repugnant to Christian prejudices. Converts to Christianity were legally subject to disinheritance; and native Christians, whether Protestants or the Roman Catholics who were very numerous in Southern India, suffered from civil disabilities and restrictions, while Hindu and Muhammadan religious usages, institutions and ceremonies were treated with profound official deference. Troops were turned out and salutes were fired when festivals occurred.[2] The British Government administered Hindu and Muhammadan religious endowments and levied pilgrim taxes in order to pay for keeping temples in order, for supporting priests and for providing guards on particular occasions; it repaired sacred buildings and managed landed estates the net proceeds from which went to ministers of temples and mosques. As meantime only scanty sums were allotted to the service of the religion which the rulers of the country themselves professed, the contrast gave point to the charge that these rulers neither had nor cared for any religion.

In the year 1832, however, with the object of affording relief to Christian converts, the government passed a law which protected all persons who should change their religion from consequent loss of property. This measure evoked Hindu protests, although the Muhammadans in the day of their power had not only protected but encouraged Muslim converts. The protests were disregarded; but the new law applied only to the Bengal Presidency; and in 1845 the bishop of Bombay represented that within his diocese native Christians were indeed protected from violence by the courts of justice, but derived no other benefit whatever from these institutions. Such grievances were finally disposed of by Lord Dalhousie's government in 1850, which passed an act rescinding all laws and usages throughout India which inflicted upon any person forfeiture of rights and property by reason of renunciation of or exclusion from the communion of any religion. The act evoked loud complaints from Hindus, not unnaturally, as under Hindu law inheritance of property was attended by religious and ceremonial obligations. But the new measure stood.

The hopes and enthusiasm which animated the Board of Control in 1833 stimulated general reform in India. Charles Grant, afterwards Lord Glenelg, was president, and on 21 February addressed the governor-general in council through the court of directors ordering

[1] E.g. Peggs, *India's Cries to British Humanity*, 1830.

[2] Tucker, *Memorials of Indian Government*, p. 358. See also Kaye, *History of Christianity in India*, chap. x; Lyall, *op. cit.* chap. x.

the abolition of the pilgrim tax in every province and the cessation of the practice of employing government servants in the collection, management or custody of religious funds or offerings. No public servant was to receive any sort of emolument from any such source. The police posted on duty at religious festivals with a view to the peace and security of pilgrims and worshippers must be paid out of general revenues. Indians should be left to themselves in all matters relating to their temples, their worship, their festivals or their ceremonial observances. The dispatch called for further information and added:

> We are holding up a standard to which you are ultimately to conform your policy rather than laying down a rule to which you are instantly and without respect of circumstances to conform....Such explanations should be given to the natives as shall satisfy them that so far from abandoning the principles of a just toleration, the British Government is resolved to apply them with more scrupulous accuracy than ever; and that this proceeding is in truth a recurrence to that state of real neutrality from which we ought never to have departed.[1]

The dispatch, which had been long in incubation, was received by the government of India without enthusiasm, and remained for some time a dead letter. But regulations which insisted on the firing of salutes, on official attendance and homage[2] at Hindu and Muhammadan festivals, were resented not only by chaplains and missionaries but by members of the Company's services; and a memorial which received 200 signatures from official and non-official Europeans was presented to the Madras Government through the bishop to be forwarded to higher authority. The memorialists petitioned that the instructions of 1833 should be carried out and were strongly supported by Bishop Corrie, who thus incurred the displeasure of the local government, but appealed to the governor-general. Strong feeling was aroused both in India and England; and eventually on the initiative of Sir John Cam Hobhouse, president of the Board of Control, a dispatch was addressed by the directors to the government of India dated 8 August, 1838, which insisted both that no more time should be lost in obeying the instructions of 1833 and that arrangements should be made

> for relieving all our servants, whether Christians, Muhammadans or Hindus, from the compulsory performance of acts which you may consider to be justly liable to objection on the ground of religious scruples.[3]

The government of India obeyed, and issued orders which put an end to the attendance of troops or military bands at native religious festivals or ceremonies and to all firing of salutes on such occasions. Public officers were, as far as possible, to abstain from all connection with the ceremonies of the Hindu and Muhammadan religions. But

[1] Kaye, *History of Christianity in India*, p. 418.
[2] *Idem*, p. 421 n.; Peggs, *op. cit.* pp. 259–60.
[3] *Parl. Papers*, 1839, XXXIX, 189; Kaye, *op. cit.* pp. 428–9; also Tucker, *op. cit.* pp. 353–69.

the administration of religious endowments was interwoven with the revenue system of the country, and the tenants of landed estates which belonged to religious establishments had always been accustomed to look to the government as their working landlord and could not be summarily handed over to unreliable substitutes.[1] New agencies of a trustworthy nature were hard to find, and complaints were made that, to the grave injury of the Hindu and Muhammadan religions, obligations were being shuffled off which had always been considered binding.[2] It was not until the year 1863, when the government of India had been transferred to the crown, that an act was passed which relieved public servants from all duties which embraced the superintending of lands assigned for pious uses or the management in any form of religious establishments belonging to the Hindu or the Muhammadan religions. The cry of "religion in danger" which undoubtedly contributed to the outbreak of the Mutiny was partly produced by a feeling that the ancient faiths of the country were losing exclusive privileges. But it must be admitted that the Company's conciliatory policy had been carried to extreme lengths and called for modification.[3]

In tolerating all Indian rites and customs the British Government soon found itself confronted by difficult problems. One was not felt to be pressing. Slavery had long been an established institution not only in India but in our American colonies. Mr Moreland, in his valuable studies of economic conditions under the Moghul Empire, accepts it as

> a Hindu institution, though in Akbar's time at least it did not secure the approval of all Hindus, and the text-writers refine and distinguish according to their practice regarding its origin and incidents.[4]

The *Ain-i-Akbari* shows that slavery was also recognised by Muhammadan law. In the first year of Warren Hastings's rule in Bengal a regulation was passed which condemned the families of convicted dacoits (brigands) to be sold as slaves. The "Committee of Circuit", in proposing this legislation, observed:

> The ideas of slavery borrowed from our American colonies, will make every modification of it appear in the eyes of our countrymen in England a horrible evil. But it is far otherwise in this country; here slaves are treated as the children of the families to which they belong and often acquire a much happier state by their slavery than they could have hoped for by the enjoyment of liberty.[5]

But these hues are too roseate, for we find Sir William Jones remarking to a Calcutta jury in 1785:

> Hardly a man or woman exists in a corner of this populous town who hath not at least one slave child either purchased at a trifling price or saved for a life that

[1] *Parl. Papers*, 1841 (5), XVII, 741–51. [2] Lyall, *op. cit.* (ed. 1884), p. 282.

[3] See Macaulay's speech on the Gates of Somnauth, *Speeches on Politics and Literature* (Everyman's Library), especially pp. 204–5.

[4] Moreland, *India at the death of Akbar*, p. 91. Cf. also *From Akbar to Aurangzeb*.

[5] O'Malley, *History of Bengal, Bihar and Orissa*, p. 359. Cf. Peggs, *op. cit.* pp. 366–8.

seldom fails of being miserable. Many of you, I presume, have seen large boats filled with such children coming down the river for open sale at Calcutta. Nor can you be ignorant that most of them were stolen from their parents or bought for perhaps a measure of rice, in time of scarcity.[1]

The truth is that the treatment of slaves, domestic and agricultural, varied in different parts of the country;[2] in most provinces, however, it was common for very needy members of the humbler classes to sell themselves or their children into slavery in order to obtain a bare subsistence. But purchasers would often restore such children to their parents in better times. The abolition of the slave-trade by the British parliament in 1807 marked the beginning of a new era. In 1789 the government of Lord Cornwallis had forbidden by proclamation the collection of children and adults for the purpose of exporting them as slaves to different parts of India or elsewhere, a practice in which "many natives and some Europeans" had been involved.[3] In 1811 the importation of slaves from any other country into India was forbidden. Vigorous efforts were made to suppress the trade that had grown up.[4] In 1832 the purchase and sale of slaves brought from one district to another was made a penal offence. The charter act of 1833 required the governor-general in council to take steps for extinguishing slavery as soon as emancipation should be safe and practicable. India Act V of 1843 prohibited the legal recognition of slavery; and keeping of or trafficking in slaves became a criminal offence under the Indian Penal Code enacted in 1860.

The abolition of slavery came gradually, pushed on by humanitarian movements in England; but it appears that at no stage was emancipation opposed by any section of Indian society, although it was accompanied by no payment of compensation to slave-owners. We pass on to two remarkable customs of another kind which from the outset were strongly opposed to Western ideas of humanity and civilisation. One was sanctioned by use and wont among a powerful caste. It was from its nature elusive, practised in domestic privacy and therefore most difficult to stop. But it was not authorised by religion. The other was practised in public and was protected both by religious tradition and by priestly authority.

In the year 1802 Lord Wellesley's government, after requesting William Carey[5] to investigate the nature of such religious sanction as existed for throwing Hindu children, in fulfilment of vows, into the sea at Sagor Island to be drowned or devoured by sharks, decided to put a stop to the practice. Not only were children sacrificed in this

[1] O'Malley, *op. cit.* p. 359.
[2] *Parl. Papers*, 1831–2, IX, App. I, A, pp. 303–4, and 1834, XLIV, 171–211. Also Forbes, *Oriental Memoirs*, II, 227–9. Sir R. Burn writes: "The practice of taking a loan and becoming practically 'adscriptus glebae' continued quite lately in Oudh". Cf. *Report, Linlithgow Agricultural Commission*, pp. 433–5
[3] [illegible], *op. cit.* p. 407 n.; Ross, *Cornwallis Correspondence*, I, 547.
[4] Peggs, *op. cit.* pp. 423, 429.
[5] Marshman, *op. cit.* p. 75.

manner at Sagor and other places for the supposed benefit of survivors; but old men and women voluntarily threw away their lives in this fashion, although the custom was little countenanced either by the religious orders or by the great body of people who, on the contrary, considered it a pious act to rescue and bring up a castaway child. By Regulation VI of 1802 child sacrifice of this kind was declared to be murder.[1]

But when a practice of killing female children was discovered to be widespread among varieties of Rajputs in different parts of the country, a far more troublesome and elusive problem presented itself. Jonathan Duncan, resident at Benares, when travelling on the frontier of the Jaunpur district in 1789, discovered that murders of this kind had long been systematically practised by a Rajput tribe called Rajkumars through the simple method of causing mothers to refuse nurture to some of their female children. The custom was freely admitted in conversation and though general was not universal as "paternal affection, or some other circumstances, had prevailed on the fathers of Rajkumar families to bring up one or more of their female issue"; but the instances where more than one daughter had been spared were very rare, and only one village furnished a complete exception to the general rule. The same practice prevailed, though to a less degree, among a smaller tribe, also found within the province of Benares, called Rajbanses. The motive of such crimes was desire to shun the disgrace which must ensue from failure to provide daughters with adequate marriage settlements. On 23 December, 1789, Duncan, writing that he had induced the Rajkumars to enter into a covenant whereby they undertook to renounce "this horrid practice", forwarded a translation of the covenant which stated that infanticide, although customary among the Rajkumars, was highly sinful according to the "Bretim Bywunt Puran" and was held in detestation by the British Government. The Rajkumars therefore agreed not to commit any longer such detestable acts. Those who committed them would be outcaste and would suffer the punishments prescribed by the above-mentioned Purana and the Shastras.[2]

Infanticide among the Rajkumars was declared to be murder by Bengal Regulation XXI of 1795. Regulation III of 1804 extended this declaration to the newly ceded provinces. But, in spite of covenants and regulations, on 30 April, 1816, Shakespear, acting police superintendent of "the Western Provinces", reported that Rajkumars were still killing their female infants "to nearly the same degree as formerly, though a greater degree of caution was preserved to prevent detection". In the meantime Duncan, who had become governor of Bombay, had learnt that the practice was very general among the

[1] *Parl. Papers*, 1824, XXIII, 137.

[2] *Parl. Papers*, 1824, XXIII, 7–8; *Calcutta Review*, 1844, I, 377; Kaye, *British India*, pp. 555–6; and Twining, *Travels in India*, p. 327.

Jharija (Jadeja)[1] Rajputs of Cutch and Kattiawar. The matter was carefully investigated by Colonel Walker, political resident at Baroda, who reported on 15 March, 1808, that throughout Cutch there might be six or eight houses wherein the masters of Jharija families brought up their daughters; otherwise female infanticide was general among Jharijas not only in Cutch but throughout the province of Gujarat. From the reports of natives best acquainted with the country the number of Jharija families inhabiting Cutch and Kattiawar was estimated at 125,000 and the number of female infants yearly destroyed at 20,000. Colonel Walker also reported that infanticide was practised among the Rahtor Rajputs of Jaipur and Jodhpur as well as by Jats and Mewats. The practice had never been interfered with by any previous government. From the Jharijas he succeeded in obtaining a covenant whereby, like the Rajkumars, these people pledged themselves to abandon such practices. Nine years later, however, it was ascertained that the pledge had not been observed. There could be no doubt that infanticide was still prevalent among the Jharijas of Gujarat. In one *taluka* not one female child was to be found among 400 families.[2]

In spite of constant and varied efforts and activities which are chronicled in the parliamentary papers of certain years, the prevention of female infanticide among tribes and classes addicted to this habit long baffled British officers and administrations, to the serious concern of the court of directors. The difficulty, both in British territory, and to a far greater degree in native states, was to bring specific instances to light without espionage, or encroachment on domestic privacy. In every case of infanticide the mother either refused nurture to the child or rubbed the nipples of her breast with opium.[3] The victim died in the home by order of the father, who was apprehensive of being compelled later on to choose between the disgrace of being unable to arrange her marriage and the ruinous expense of accomplishing it satisfactorily.[4]

"Although religion", says Tod, "nowhere authorizes this barbarity, the laws which regulate marriage among the Rajputs powerfully promote infanticide. Not only is intermarriage prohibited between families of the same clan (*campa*), but between those of the same tribe (*gota*)....Many virtuous and humane princes have endeavoured to mitigate an evil in the eradication of which every parental feeling would co-operate. Sumptuary edicts alone can control it, and the Rajputs were never sufficiently enamoured of despotism to permit it to rule within their private dwellings."[5]

Mountstuart Elphinstone, when governor of Bombay, minuted on 9 January, 1821, that as long as the practice was congenial to the general feeling of the classes concerned it could not be effectually

[1] *Imperial Gazetteer*, xv, 166. [2] *Parl. Papers*, 1824, xxiii, 108–9.
[3] Cf. Raikes, *Notes on the North-Western Provinces of India*, p. 12 n.
[4] Cf. *Census of India* 1901, i, 425. See, too, Raikes, *op. cit.* pp. 8–9.
[5] Tod, *Rajasthan* (ed. 1880), i, 547.

checked. Moreover we professed to have no concern with the civil government and internal police of native states. We might be sure, however, that a continuance of tranquillity and good order would gradually cause the discontinuance of a practice repugnant to natural instinct.

The policy, however, of the Company's governments was by no means one of *laissez-faire*. From time to time the subject engaged the particular attention of the directors. The parliamentary papers of 1843 show the vigorous nature of the preventive action taken in British territory.[1] In native states infanticide weakened before the energetic and constant endeavours of military political officers such as Wilkinson, Willoughby, Erskine, Jacob, Pottinger and Melville. The record of their labours moved Alexander Duff, who was no respecter of persons, to write in 1844:

> If ever political agents, members of council, governors, governors-general and courts of directors shall be arraigned at the bar of an impartial posterity, they may rest assured that their best exculpatory evidence will be found, not in the brilliant records of their civil diplomacy or military exploits, but in such humble, noiseless, and unpretending volumes which, like the parliamentary papers on infanticide, portray their strenuous and unwearied exertions in the sacred cause of humanity.[2]

Everywhere infanticide gradually yielded to the spread of Western ideas; but even in 1870 the central government felt themselves compelled to combat it by passing an act[3] which enabled the application of stringent rules for compulsory registration of births, and regular verification of the existence of female children for some years after birth, in places where such measures appeared desirable. We must now turn to another custom, the suppression of which should for all time redound to the credit of Lord William Bentinck. He struck the final blow, but there were others who prepared the way.

Brahmanical tradition teaches that when children of high-caste Hindus reach the age of eight to twelve, boys should go to a *guru* for education and girls should marry. The duty of the latter is wifehood and motherhood. Should a woman lose her husband, she is not permitted to remarry although a widower may remarry at any time. A widow, on the other hand, must lead a life of strict retirement. But throughout India, before the year 1829, an alternative was open to her. She might immolate herself on her husband's funeral pile and follow him into a new life. She would then be called a sati, a faithful wife, and would be honoured for her choice. The term sati or suttee has been transferred by Europeans from the widow to the custom of burning

[1] See report, 28 January, 1841, of the proceedings of Robert Montgomery, then district magistrate of Allahabad, *Hindu Infanticide, Accounts and papers*, 1843, p. 59. See also Raikes, *op. cit.* pp. 18–22.

[2] *Calcutta Review*, 1844, I, 435.

[3] Act VIII of 1870. Cf. Sir Michael O'Dwyer, *India as I knew it*, p. 102. Regulations under Act VIII of 1870 were abolished in the United Provinces early in the present century.

her with her husband's corpse, a practice which comes down from remote ages and was much in vogue under the Moghul Empire, although certain emperors and "subahdars" took pains to see that victims suffered only by their own free will.[1] Sati, however, was never a universal custom in any caste, although the detailed returns which were laid before parliament in the ten years which immediately preceded its abolition show that it was practised in some degree by lower as well as by higher castes.[2]

When in 1772 Bengal came directly under British government, Warren Hastings, who held in high respect all customs interwoven with religion even if "injudicious or fanciful",[3] directed a body of learned Brahmans gathered together from every part of the province to prepare from the Shastras an authoritative manual of Hindu law. Passages in this manual encourage sati; and other passages in Colebrooke's translation of the digest of Hindu law, which was compiled under the superintendence of Sir William Jones, declare that the sati enjoys delight with her husband for thirty-five million years and expiates the sins of three generations on the paternal and maternal side of her husband's family.

> No other effectual duty is known for virtuous women at any time after the deaths of their lords, except casting themselves into the same fire. If a woman in her successive transmigrations declines doing so, she should not be exempt from shrinking again to life in the body of some female animal.[4]

Such passages explain why in view of a clear promise to "preserve the laws of the Shaster and the Coran, and to protect the natives of India in the free exercise of their religion", the government of Bengal was slow to interfere with the celebration of a rite strongly opposed to every humanitarian principle. But the Supreme Court refused to tolerate it within the limits of their immediate jurisdiction; and inhabitants of Calcutta who wished to perform it were compelled to do so in the suburbs.[5] It was prohibited by the Danes at Serampur, by the Dutch at Chinsura, by the French at Chandernagore, but residents of these places could do as they pleased outside settlement boundaries. Sati was allowed in the Madras Presidency, but between the years 1770 and 1780, at any rate,[6] was not tolerated within the scattered settlements which at that time were presided over by the government of Bombay. It was practised by the Rajputs of Gujarat and by the Marathas but was discouraged by Baji Rao, the last of the Peshwas, who took upon himself the charge of supporting widows who yielded to dissuasion.

[1] Bernier, *Travels* (Constable and Smith), pp. 306–15; Foster, *Early Travels in India*, p. 119; Thompson, *Historical and Philosophical Enquiry*.

[2] Cf. *Census of India*, 1901, vol. I, paras. 703–9, vol. XVI, para. 111.

[3] Gleig, *Memoirs*, I, 403–4.

[4] Colebrooke, *Digest* (1801), II, 452.

[5] *Parl. Papers*, 1821, XVIII, 100.

[6] Forbes, *Oriental Memoirs*, I, 57, II, 26.

On the annexation of the Peshwa's dominions, Mountstuart Elphinstone, in reply to a representation from Pottinger, collector of Ahmadnagar,[1] that "the exercise of a very trifling degree of authority would put a stop to this perversion of reason and humanity", declined on 18 August, 1818, to sanction the smallest interposition of authority in a cause so clearly connected with the religious prejudices of the Hindus. Brahmans, however, might be employed to dissuade widows from sati, and when dissuasion was successful, subsistence allowances might be granted to the widows. A Bombay regulation even legalised sati, declaring that assistance at rites of self-immolation was not murder. But the centre of British administration in India was Calcutta; and the policy followed there must be clearly traced.

Sati in the capital presidency excited no particular protest until on 28 January, 1789, M. H. Brooke, collector of Shahabad, thus addressed Lord Cornwallis:

> Cases sometimes occur in which a collector, having no specific orders for the guidance of his conduct, is necessitated to act from his own sense of what is right. This assertion has this day been verified in an application from the relations and friends of a Hindu woman for my sanction for the horrid ceremony of burning her with her deceased husband. Being impressed with the belief that this savage custom has been prohibited in and about Calcutta, and considering the same reasons for its discontinuance would probably be valid throughout the whole extent of the Company's authority, I positively refused my assent. The rites and superstitions of the Hindu religion should be allowed with the most unqualified tolerance, but a practice at which human nature shudders I cannot permit without particular instructions. I beg therefore, my Lord, to be informed whether my conduct in this instance meets with your approbation.

Brooke doubted whether any promise of religious toleration could absolve the British Government from prohibiting a practice "at which humanity shuddered". But his main question was not answered. He was merely informed that while his action was approved, it must in future be confined to dissuasion and must not extend to coercive measures or to "any exertion of official powers". The public prohibition of sati would probably increase Hindu veneration for it. It was hoped that the practice would decay and disappear.

On 17 May, 1797, James Battray, magistrate of Midnapur, reported that he had succeeded in preventing the sati of a child-widow aged barely nine. But he feared that, sooner or later, it would be accomplished as her head had been filled with superstitious notions of the propriety of the act. He was told to do his best to dissuade her. Elphinstone's and Battray's letters show that on both occasions magistrates were approached formally, and that their decisions were obeyed. In spite of the Brahmans and the Shastras, there was, as is apparent from much other evidence, a wide inclination to ask for and accept the order of temporal authority. This vantage-ground was definitely abandoned by the governments of Lord Cornwallis and Sir John Shore.

[1] *Parl. Papers*, 1821, XVIII, 65.

In 1798 William Carey witnessed a sati in a Bengal district which he vividly described in his diary.[1]

We were near the village of Noya Serai. Being evening, we got out of the boat to walk when we saw a number of people assembled on the riverside. I asked them what they were met for, and they told me to burn the body of a dead man. I enquired if his wife would be burned with him; they answered Yes, and pointed to the woman. She was standing by the pile which was made of large billets of wood, about 2½ feet high, 4 long and 2 wide, and on the top of which lay the dead body of her husband. Her nearest relations stood by her, and near her was a small basket of sweetmeats. I asked them if this was the woman's choice, or if she were brought to it by any improper influence. They answered that it was perfectly voluntary. I talked till reasoning was of no use, and then began to exclaim with all my might against what they were doing, telling them that it was a shocking murder. They told me it was a great act of holiness, and added in a very surly manner, that if I did not like to see it I might go further off....I told them that I would not go, that I was determined to stay and see the murder, and that I should certainly bear witness of it at the tribunal of God. I exhorted the woman not to throw away her life; to fear nothing, for no evil would follow her refusal to burn. But she in the most calm manner mounted the pile, and danced on it with her hands extended as if in the utmost tranquillity of spirit. Previous to her mounting the pile, the relation whose office it was to set fire to the pile led her six times round it....As she went round she scattered the sweetmeat above-mentioned among the people, who picked it up and ate it as a very holy thing. This being ended, and she having mounted the pile, and danced as aforesaid (n.b. the dancing only appeared to be to show us her contempt for death, and to prove that her dying was voluntary), she lay down by the corpse, and put one arm under its neck and the other over it, when a quantity of dry cocoa leaves and other substances were heaped over them to a considerable height, and then ghee, or melted preserved butter, poured on the top. Two bamboos were then put over them and held fast down, and the fire put to the pile, which immediately blazed very fiercely....No sooner was the fire kindled than all the people set up a great shout—"Harree Bol. Harree Bol". It was impossible to have heard the woman had she groaned or even cried aloud, on account of the mad noise of the people, and it was impossible for her to stir or struggle on account of the bamboos which were held down on her like the levers of a press. We made much objection to their way of using these bamboos, and insisted that it was using force to prevent the woman from getting up when the fire burned her. But they declared that it was only done to keep the pile from falling down. We could not bear to see more, but left them, exclaiming loudly against the murder, and full of horror at what we had seen.[2]

The Serampur missionaries, after investigations which covered a radius of ten miles from Calcutta, found that more than 300 satis had taken place within six months,[3] and Carey, after searching the Shastras, decided that the practice was encouraged rather than enjoined. He laid his findings before his friend Udny of the civil service, who was then a member of Wellesley's council. On 4 January, 1805, J. R. Elphinstone, magistrate of the Bihar (now Gaya) district, reported to government that he had prevented the sati of a girl belonging to the Baniya (grain merchant) caste at the private request of her friends. The victim had been found by the police-inspector, who arrived on the spot only just in time, in a state of stupefaction or intoxication. Elphinstone was not aware of any order to prevent

[1] Cf. Twining, *op. cit.* pp. 462–8.
[2] Walker, *Life of Carey*, pp. 245–6. Cf. Forbes, *Ras Mala*, II, 434.
[3] Marshman, *op. cit.* p. 99.

such barbarous proceedings and asked for instructions. By order of Lord Wellesley the letter was forwarded to the "Register" of the court of nizamat adalat, which was held generally responsible for the detection and prevention of crime within the presidency. The governor-general requested that body to ascertain whether this unnatural and inhuman custom could be abolished altogether. How far was it really founded on religion? Surely at any rate something could be done to prevent the drugging of victims and to rescue those who from immaturity of years or other circumstances could not be considered capable of judging for themselves. This letter is dated 5 February, 1805.[1] The judges of the nizamat adalat on 5 June, 1805,[2] forwarded the views of the pundits whom they were wont to consult on questions of Hindu law. The latter advised that a woman belonging to the four castes (Brahman, Khetri, Vaishya and Sudra) might, except in particular cases, burn herself with her husband's body and would by so doing contribute essentially to the future happiness of both. The exceptions were women in a state of pregnancy or menstruation, girls under the age of puberty, women with infant children who could not provide for their support by other persons. To drug or intoxicate a woman in order to induce her to burn herself against her wish was contrary to law and usage. In sending on these opinions the judges advised that while the custom could not be abolished generally without greatly offending "religious prejudices", it might be abolished immediately in some districts, where it had almost fallen into disuse,[3] and checked or prevented in others on lines indicated by the replies of the pundits. They recommended a policy of mingled abolition and compromise. It is possible that Wellesley would have declared for wholesale abolition,[4] but he made over charge of office on 31 July, 1805, and left India, taking with him his valiant and strenuous spirit.

For seven years after his departure the reply of the nizamat adalat was pigeon-holed in the government secretariat, although in 1807 Lord Minto observed that widow-burning was extremely prevalent, especially in the neighbourhood of Calcutta.[5] The sepoy mutiny at Vellore in 1806 had opposed a new obstacle to the adoption of any resolute policy by suggesting apprehension of danger from the army should sati be forbidden. Then on 3 August, 1812, Wauchope, magistrate of Bundelkhand, raised the old question once more in a letter to the register of the nizamat adalat, and asked for instructions. Forwarding this letter to the government the court requested orders on their communication of June, 1805. After three months of cogitation the governor-general in council replied in December that as

[1] *Parl. Papers*, 1821, XVIII, 24–6.
[2] *Idem*, p. 28.
[3] Peggs, *op. cit.* p. 54.
[4] Wilberforce inclined to this view. See Deanville, *Life of William Carey*, p. 247.
[5] *Lord Minto in India*, p. 96.

sati was encouraged by Hindu doctrine, it must be allowed in those cases in which it was countenanced by religion and prevented whenever it was not.[1] The court's original suggestion, that in some districts the sacrifice might be prevented immediately, was ignored. Magistrates and public officers were to prohibit compulsion, intoxication or drugging of victims. They must forbid the sacrifice of girls under the age of puberty and of pregnant females. The police must act on these principles, obtaining as early notice as possible in every case. In 1813 these rules were circulated, and in 1815 they were supplemented by instructions for the submission by district magistrates of annual reports and returns of satis. In 1817 further orders were issued prohibiting the burning of mothers who had infants at the breast or children under four years, or under seven unless responsible persons would take charge of the orphans. Brahman widows, in accordance with the Shastras, could only become satis on the funeral pyres of their husbands and not elsewhere. Relatives must invariably give notice to the police of impending satis, or would become liable to fine and imprisonment. Till then no such obligation had been imposed.

The rules of 1812, 1815 and 1817 were merely "circular orders" issued by the government to its officers through the nizamat adalat; they were thus devoid of legal sanction and conceded so much to the custom at which they were aimed as to produce the impression "that to a certain extent the practice of suttee was approved by the government".[2] Colebrooke, the Orientalist, was in 1812 one of Lord Minto's councillors, and afterwards justified these orders by stating that any attempt to repress the rite by legal enactment would have been resisted. Perseverance in carrying it out would have become a point of honour.[3] After-events, however, hardly support this excuse. As the fruits of timidity and irresolution became increasingly apparent, the government's attitude was severely criticised both in missionary publications and in reports from its own officers. The interest of religious and humanitarian societies in the United Kingdom was stimulated by missionary pamphlets; and in course of time the contents of official reports and returns penetrating to Westminster became generally known. In 1813 Wilberforce reminded the Commons that humanity consisted not in a squeamish ear, but in being forward and active in relief. For years, however, governments in India were allowed full discretion in dealing with sati. Expressing a lively faith in the regenerating influence of widening knowledge, they clung tenaciously to a threadbare and discredited policy. And while correspondence went on the toll of victims mounted in Bengal. The frequency of sati in the districts round Calcutta raised the figure for cases reported in the chief presidency far above the numbers in Madras and Bombay.

[1] *Parl. Papers*, 1821, xviii, 29–30.
[2] *Statement of the Directors to the Privy Council*, 1832. Peggs, *op. cit.* pp. 57, 59–60.
[3] Colebrooke, *Life of Colebrooke*, p. 285.

It varied from 378 in 1815 to 839 in 1818, 654 in 1821, 557 in 1823, 639 in 1825, 517 in 1827 and 463 in 1828. On 3 December, 1824, the chief judge of the nizamat adalat at Calcutta observed that many women were burnt without the knowledge of police officers, "and in many instances the act was illegal from circumstances which deprived it of the restricted sanction of the Shaster".[1] In 1819 the adalat had observed that it is doubtful whether

the measures publicly adopted with the humane view of diminishing the number of these sacrifices by pointing out the cases in which the Hindu law is considered to permit them have not been attended with a contrary effect to the one intended. A spirit of fanaticism may have been rather inflamed than repressed.[2]

In this view the government concurred and contemplated the possibility of cancelling the orders of 1812, but were subsequently cheered by the fact that in 1821 five widows were saved from the flames by the presence of the police and four were induced by persuasion to draw back at the last moment, whereof one only "was not affected by the instrumentality or assistance of the police". The particulars of the five rescues are significant. One widow, after ascending the pile and feeling the flames, was saved by the presence of the police. The second was rescued just before ascending the pile. The third, having left the pile, was saved by the police against the will of her relatives. The fourth came off the pile scorched and died two days afterwards. The fifth descended from the lighted pile and was saved by the police.[3] The year 1821 was in this respect unusually successful. In 1827, on the other hand, only one woman, a girl of sixteen, was rescued by police intervention.

The central government not only kept the directors in touch with their proceedings but regularly forwarded reports from numerous judges and executive officers, some of whom were content to wait for a change in the attitude of Hindus toward sati, while others criticised the accepted policy in scathing terms, strongly advocating complete prohibition as the only satisfactory expedient. One of the latter, who well deserves to be remembered, is Walter Ewer, superintendent of police, Lower Provinces, who on 18 November, 1818, addressed the judicial secretary to the government.[4] He began by urging that satis were very seldom voluntary, for few widows would think of sacrificing themselves unless overpowered by force or persuasion; very little of either was needed to overcome the physical or mental powers of the average victim. A widow who would turn with natural and instinctive horror from the first hint of sharing her husband's funeral pile, would be gradually brought to pronounce a reluctant consent "because distracted with grief at the event, without one friend to advise or protect her, she is little prepared to oppose the surrounding crowd of hungry Brahmans and interested relatives either by argument or force".

[1] *Parl. Papers*, 1825, XXIV, 147.
[2] *Idem*, 1821, XVIII, 242.
[3] *Idem*, 1824, XXIII, 43.
[4] *Idem*, 1821, XVIII, 229.

Accustomed to attach implicit belief to all the assertions of the former, she dared not, if she was able to make herself heard, deny that by becoming sati she would remain so many years in heaven, rescue her husband from hell, and purify the family of her father, mother and husband; while on the other hand, disgrace in this life, and continued transmigration into the body of a female animal, would be the certain consequences of refusal.

In this state of confusion, a few hours quickly pass and the widow is burnt before she has time even to think on the subject.[1] Should utter indifference for her husband and superior sense enable her to preserve her judgment, and to resist the arguments of those about her, it will avail her little,—the people will not on any account be disappointed of their show; and the entire population of a village will turn out to assist in dragging her to the banks of the river, and in keeping her down upon the pile. Under these circumstances nine out of ten widows are burnt to death.

Ewer then urged that the sacrifice was more frequently designed to secure the temporal welfare of the survivors than the spiritual benefit of the widow or her husband. The son had no longer to maintain his mother; the male relatives, as reversioners in default of male issue, came in for the estate which the widow would have held for life; the Brahmans were paid for their services, and were interested in maintaining their religion; the crowd attended the show with the savage merriment exhibited by an English crowd at a boxing match or a bull-bait. Sati was indeed recommended by the Shastras, but was not hinted at by Manu, or other high authorities which prescribed the duties of a widow. The recommendation, too, where found in the Shastras, was addressed to the widow and not to her relatives. It was no part of their duties to persuade or force her in the matter. The unhappy victims themselves were uneducated and unacquainted with the Shastras. What the government was really doing was authorising the sacrifice of widows by their relatives. The custom, too, might almost be called local. In the years 1815–17, 864 satis had been performed in five districts of Bengal—Burdwan, Hughli, the Jungle Mahals, Nuddea and the suburbs of Calcutta, while in the same period only 663 took place throughout the rest of the empire including the holy city of Benares, in which only forty-one sacrifices of that nature were performed, although its population was almost exclusively Hindu, and it was a place where every meritorious act was of double value.

Regarding standing orders Ewer wrote:

It appears to me that if the practice is allowed to exist at all, the less notice we take of it the better, because the apparent object of the interference of the police is to compel the people to observe the rules of their own Shasters (which of themselves they will not obey) by ascertaining particular circumstances of the condition of the widow.

The police enquiries, he added, opened the widest door to extortions. Even if such interference in some cases induced compliance with the

[1] Cf. Bernier, *op. cit.* pp. 313–15 (ed. Constable).

rules of the Shastra, the official attendance of the *daroga* stamped every regular sati with the sanction of government; and authorising a practice was not the way to effect its gradual abolition. Whenever "illegal" satis had been prevented by the police, no feeling of dissatisfaction had been excited. He believed that the custom might be totally prohibited without exciting any serious or general dissatisfaction.

Ewer's views received a trenchant endorsement from Courtney Smith of the nizamat adalat, who on 2 August, 1821,[1] recorded in a judgment that the government, in modifying sati by their circular orders, had thrown the ideas of the Hindus on the subject into complete confusion. They knew not what was allowed and what was interdicted, and would only believe that we abhorred sati when we prohibited it *in toto* "by an absolute and peremptory law". They had no idea that we might not do so with perfect safety. In forwarding to government the returns of 1819–20 Smith urged that the toleration of sati was a reproach to British rule, and that its abolition would be attended by no danger. It could be abolished by a short regulation somewhat in the style of the regulation of 1802 against the sacrifice of children at Sagor.[2] To interfere with a vigorous hand for the protection of the weak against the strong was one of the most imperious and paramount duties of every civilised state, from which it could not shrink without a manifest diminution of its dignity and an essential degradation of its character among nations.

Similar protests came from other officers and from other parts of India. On 14 September, 1813, Lushington, a Madras magistrate, informed his government that except to a few necessitous Brahmans who "received a nefarious reward for presiding at this infernal rite", the prohibition of sati would give "universal satisfaction".

It is not surprising that, although such representations as these were accompanied by others of a soothing nature, the directors were ill at ease. On 17 June, 1823, they thus addressed the government of India:

> You are aware that the attention of parliament and the public has lately been called to the subject. It appears that the practice varies very much in different parts of India both as to the extent to which it prevails and the enthusiasm by which it is upheld....It is upon intelligible grounds that you have adopted the rules which permit the sacrifice when clearly voluntary and conformable to the Hindu religion. But to us it appears very doubtful (and we are confirmed in this doubt by responsible authorities) whether the measures which have been taken in pursuance of this principle have not tended rather to increase than to diminish the practice. It is moreover with much reluctance that we can consent to make the British Government, by specific permission of the suttee, an ostensible party to the sacrifice; we are averse also to the practice of making British courts expounders and vindicators of the Hindu religion when it leads to acts which not less as legislators than as Christians we abominate.

[1] *Parl. Papers*, 1823, XVII, 67.
[2] *Idem*, p. 63.

They would not then press this reasoning, but the matter must be further considered. They would co-operate in any measures which "your superior means of estimating consequences may suggest".[1]

But the government over which Lord Amherst presided was "unwilling to abandon the hope that the abolition of suttee might at some future period be found safe and expedient". They based this hope on the fact that they had remarked already "that the more general dissemination of knowledge among the better informed Hindus themselves might be expected to prepare gradually the minds of the natives for such a measure".[2]

The allusion here is clearly to the campaign against sati led by the Brahman reformer Ram Mohan Roy, mentioned in the last chapter. When in 1818 some Hindus had petitioned against the orders which the government had issued restricting the practice of sati, Ram Mohan Roy had produced a counter-petition which contained these passages:

> Your petitioners are fully aware, from their own knowledge or from the authority of creditable eye-witnesses, that cases have frequently occurred when women have been induced by the persuasion of their next heirs, interested in their destruction, to burn themselves at the funeral pile of their husbands: that others who have been induced by fear to retract a resolution, rashly expressed in the first moments of grief, of burning with their deceased husbands have been forced down upon the pile and there bound with ropes and green bamboos until consumed with the flames; that some after flying from the flames have been carried back by their relatives and burnt to death. All these instances, your petitioners frankly admit, are murders according to every Shaster as well as to the commonsense of all nations.

Ram Mohan Roy, at grave personal risk, endeavoured to stop satis by tracts and other methods of dissuasion. He obtained support from some of his fellow-countrymen, but was bitterly opposed by the orthodox school under Raja Radha Kanta Deb.[3] So fierce were the feelings aroused that for a time the reformer went about in fear of his life and had to be protected by a guard.[4]

In July, 1828, Amherst was succeeded by Lord William Bentinck, a reformer by temperament,[5] who had been governor of Madras when the Vellore mutiny occurred and had now been instructed by the directors to consider definite measures for the immediate or gradual abolition of sati.[6] After careful enquiry, within a year of taking office, he decided to put an end to the practice in British territory without delay, against the advice not only of Horace Hayman Wilson, the leading Orientalist of the day, but also of Ram Mohan Roy. With some qualms and careful explanations he recorded his determination in an elaborate minute which he placed before his

Parl. Papers, 1824, XXIII, 44–5. [2] *Idem*, 1825, XXIV, 153–4.
Peggs, *op. cit.* p. 89.
Parl. Papers, 1825, XXIV, 11; O'Malley, *op. cit.* pp. 342–3; Dutt, *Literature of Bengal*, pp. 143, 147.
Cf. Kaye, *Life of Metcalfe*, II, 172–3.
Statement of the directors to the Privy Council (unpublished).

council. He had elicited the views of fifty-three officers, mostly military, of whom twenty-four were in favour of immediate abolition, and fifteen principal civil servants, of whom eight held the same view;[1] he had also received two reports of the nizamat adalat with the unanimous opinions of the judges in favour of abolition, and returns of satis in 1827–8 exhibiting some decline of numbers.

> "If this diminution", he wrote, "could be ascribed to any change of opinion upon the question, or the progress of civilisation or education, the fact would be most satisfactory, and to disturb this sure though slow process of self-correction would be most impolitic and unwise. But I think it may be safely affirmed that though in Calcutta truth may be said to have made a considerable advance among the higher orders, yet in respect to the population at large no change whatever has taken place, and from these causes at least no hope of abandonment of the rite can be rationally entertained."

H. H. Wilson, then secretary of the Hindu college (Vidyalaya),

> considers it a dangerous evasion of the real difficulties to attempt to prove that satis are not "essentially a part of the Hindu religion". I entirely agree with him. The question is not what the rite is but what it is supposed to be, and I have no doubt that the conscientious belief of every order of Hindus with few exceptions, regard it as sacred.

Bentinck went on to observe that both Wilson and Ram Mohan Roy considered that abolition would cause general distrust and dissatisfaction. They considered that the practice might be gradually suppressed by increasing checks. By far the greater number of satis, however, occurred among the unmartial inhabitants of Bengal and after enquiry he had concluded that abolition would cause no trouble in the army. He observed that the judges of the nizamat adalat were unanimously in favour of it, and laid before his council the draft of the necessary regulation, concluding with the following sentences:

> The primary object of my heart is the benefit of the Hindus. I know nothing so important to the improvement of their future conditions as the establishment of a purer morality, whatever their belief, and a more just conception of the will of God. The first step to this better understanding will be the dissolution of religious belief and practice from blood and murder. I disown in these remarks or in this measure any view whatever to conversion to our own faith. I write and feel a legislator for the Hindu, and as, I believe, many enlightened Hindus think and feel. Descending from these higher considerations, it cannot be a dishonest ambition that the government of which I form a part should have the credit of an act which is to wash out a foul stain on British rule, and to stay a sacrifice of humanity and justice to a doubtful expediency; and finally I may be permitted to feel deeply anxious that our course shall be in accordance with the noble example set to us by the British Government at home, and that the adaptation, when practicable to the circumstances of this vast Indian population, of the same enlightened principles, may promote there as well as here the general prosperity, and may exalt the character of the nation.

Charles Metcalfe, the most prominent of the governor-general's councillors, while noting his concurrence, observed that he was not without apprehension that the measure might possibly be "used by

[1] Statement of the directors to the Privy Council.

the disaffected and designing to inflame the passions of the multitude and produce a religious excitement", the consequences of which, once set in action, could not quickly be foreseen. But if the measure were not made "an engine to produce insurrection" in the early period of its operation, it would not cause danger later on. His fears or doubts were as to the immediate future and were not sufficiently strong to dissuade him from joining heartily "in the suppression of the horrible custom by which so many lives are cruelly sacrificed".[1] On 4 December, 1829, sati was declared by Regulation XVII to be illegal in the Bengal Presidency and punishable by the criminal courts. Persons assisting a voluntary sacrifice would be deemed guilty of culpable homicide; but those convicted of using violence or compulsion or assisting in burning or burying a Hindu widow in a state of stupefaction or in circumstances impeding the exercise of her free will, would be liable to sentence of death. A similar regulation was passed in Madras on 2 February, 1830. In Bombay Sir John Malcolm's government repealed that clause in their regulations which declared "assistance at the rites of self-immolation not to be murder".[2]

On 19 December, 1829, a petition of remonstrance was presented to Bentinck signed by "several thousand persons, being zamindars, principal and other Hindoo inhabitants of Bengal, Bihar, Orissa etc." On 14 January, 1830, the petitioners were informed that their remedy, if any, lay in appeal to the Privy Council. They did appeal, asserting that the obnoxious regulation interfered with their "most antient and sacred rites and usages" and violated "the conscientious belief of an entire nation". Abuses, if any, which might have arisen could be effectually prevented by a proper attention to Hindu opinion. They "wholly" denied, however, that such abuses existed. The regulation infringed the sacred pledge to keep inviolate the religion, laws and usages of the Hindus which was manifest throughout the whole tenor of parliamentary legislation. In reply the directors summarised the history of the past and stated their own unanswerable case.[3] It was supported by petitions which Ram Mohan Roy had brought with him to England and had presented to parliament on behalf of his followers. The appeal was dismissed by the Privy Council in the presence of this true-hearted and courageous man; and no trouble whatever resulted in India. For years sati continued in the Panjab until the fall of the Sikh Empire. In the Rajput states it gave way gradually to British insistence combined with spread of the knowledge among Rajput ladies that such things were not done in British territory.[4] Sati has been performed in our own time;[5] and the circumstances which

[1] Kaye, *Life of Metcalfe*, II, 194.
[2] *Parl. Papers*, 1831–2, IX, 354.
[3] Unpublished papers preserved in the India Office.
[4] Article by E. J. Thompson, *Edinburgh Review*, April, 1927, pp. 274–86; and *Suttee* p. 106.
[5] O'Malley, *op. cit.* p. 346; Thompson, *Suttee*, chap. ix.

attended the case at Barh in the Patna district of Bihar in November, 1927, show clearly that the rite, from its sacrificial character and appeal to belief in metempsychosis,[1] still has power to thrill crowds of Hindus with reverence and sympathy. It has numbered among its victims women who have faced an agonising death with courageous self-devotion[2] in firm faith that they were answering the call of religion and honour, and in distaste for a life which offered no prospect of happiness. But it has also unquestionably brought about the murder, in circumstances of revolting cruelty, of many a helpless widow, of girls on the very threshold of life. Reviewing its history in British India from 1789 to 1829, observing the apparently small proportion of its victims to the general population even in Bengal, and the passive acceptance of abolition when at last abolition came, it is difficult to avoid the conclusion that a wrong keynote was struck at the very beginning which reverberated dismally through after-years, that Brooke, Ewer, Courtney Smith and other subordinate officers were right, that governors and councillors were wrong, and that Bentinck put an end to years of degrading, lamentable and unnecessary compromise. At the same time we must remember that Bentinck himself, in his great minute, expressly exonerated his predecessors. "I should", he wrote, "have acted as they have done."

[1] Tod, *Rajasthan*, I, 635. Cf. *The Times*, 5 February, 1929.

[2] Lepel Griffin, *Ranjit Singh*, pp. 66–7; Kincaid and Parasnis, *History of the Maratha People*, II, 301–4.

CHAPTER VIII

THE COMPANY'S MARINE

THE history of the Company's Marine commences in 1613, when a squadron was formed at Surat to protect the East India Company's trade from the constant aggressions of the Portuguese and the pirates who infested the west coast of India. Included in this squadron were the *Dragon* and *Osiander*, commanded by Captain Best, who ultimately broke the marine predominance of the Portuguese at Swally in January, 1615. At that date the Company's naval forces comprised these two English ships and ten armed *grabs* or *gallivats*,[1] which may be held to have formed the original nucleus of the Bombay Marine. This small force gradually increased during the first half of the seventeenth century, and during that period was engaged in a practically continuous and on the whole successful struggle with the Company's adversaries in India. In 1669, after the transfer of Bombay to the Company, a further development took place; the construction of small armed craft at Bombay, for the protection of the Persian Gulf and Arabian Sea trade, was commenced, among them being two brigantines built by a descendant of the Elizabethan shipwright, Phineas Pett; and in 1686 the whole marine establishment was finally transferred from Surat to Bombay, the marine stores being housed in Bombay castle and the ships anchored in Bombay harbour. After this date the Company's sea-forces were officially styled the Bombay Marine; an officer was regularly appointed "Admiral" every year; while a supply of men for both upper and lower decks was maintained as far as possible by drafts from England. The Marine suffered to some extent from the lawlessness and insubordination which marked the end of the seventeenth and the early years of the eighteenth centuries. Two vessels, the *Revenge* and *Hunter*, played an active part in Keigwin's rebellion of 1683;[2] disease and financial embarrassment were responsible for reductions of the strength of the force; while desertion was so frequent that in 1724 it was decided to keep the pay of all seamen two months in arrears.

In 1716 the Marine comprised one ship of 32 guns, four *grabs* with 20 to 28 guns, and twenty smaller *grabs* and *gallivats*, carrying 5 to 12 guns apiece. This force made an unsuccessful attempt to seize Gheria (Vijayadrug), the stronghold of Angria, in 1717; and in the following year made a fruitless attack upon Kenery (Khanderi) island, under the command of Manuel de Castro, whom the president, Charles Boone, much to the annoyance of the English personnel, had

[1] Cf. *Hobson-Jobson*, s.vv.

[2] Strachey, *Keigwin's Rebellion*, pp. 38–9.

appointed Admiral of the Fleet for the occasion. Co-operation with the Portuguese seemed fated to end in disaster, for in 1722 a joint expedition by the Bombay Marine and a Portuguese land force against the fort of Alibag was badly defeated, owing largely to the mistakes and malingering of the Portuguese viceroy and his general and the poor quality of the Bombay troops. Commodore Mathews of the English Navy participated in this action with four English ships, which had been dispatched by the Home Government in 1721 to assist in clearing the Eastern seas of European pirates. A contemporary writer gives an amusing description of Mathews's choleric treatment of the Portuguese authorities after the failure of the expedition,[1] of which the only creditable feature was the bravery displayed by the officers and seamen of the Company's Marine. During the first three decades of the eighteenth century the antagonism of the Portuguese, the Marathas, and the Sidi of Janjira obliged the Bombay Council to improve the strength and status of the Marine; a pension scheme for the widows of officers and seamen was instituted; several new vessels were purchased; and the crews of the Company's trading vessels were freely borrowed for the manning of their warships. Consequently by 1735 the annual expenditure on the Marine had increased to nearly two lakhs of rupees, and the fleet comprised seven large warships and a variety of *gallivats* and smaller vessels.[2]

From the earliest years of the Company's possession of Bombay, a marine establishment ashore, distinct from the force afloat, was maintained under the direction of the Commodore of the Marine, and included, among other officials, a storekeeper, a paymaster and a purser marine. The last-named was concerned with supplies of all kinds to the ships and indented for their cost by a monthly bill on the paymaster, who had "the charge and direction of watering and ballasting the Company's vessels and of purchasing what timber and coir were wanted for their service". An important step was taken in 1735, when the Bombay Council decided to transfer their shipbuilding yard from Surat to Bombay, and brought thither with it Lavji Nasarvanji Wadia, the Parsi shipbuilder, who had been foreman of the Surat yard. His first duty was to select a site for a dockyard, the only dock available at that date being a mud basin, which filled and emptied with the tide. The first dock, constructed on the site chosen by Lavji, and known to-day as the Upper Old Bombay Dock, was eventually opened in 1754. A second dock, the Middle Old Bombay Dock, was completed in 1762; and a third, the Lower Old Bombay Dock, in 1765. For the next forty years these three docks were the boast of Bombay and the wonder of travellers like Grose (1750), Ives (1758) and Parsons (1775). Lavji Nasarvanji, who served as master-builder from 1735 to 1774 and was succeeded in office by his two

[1] Downing, *History of the Indian Wars* (ed. Foster), pp. 63–5.
[2] *Bombay City Gazetteer*, II, 277.

grandsons, made continual additions to the Company's fleet, and the reputation for strength and seaworthiness of the teakwood ships built by him and his grandsons was so widespread and so well deserved that the office of master-builder remained in the hands of the Wadia family until 1885, when the work of construction and repair was entrusted to an English chief constructor, trained in the royal dockyards, with a staff of European assistants. The most notable member of the family was Jamshedji Bomanji, who, between 1793 and 1821, built several line-of-battle ships and frigates for the Royal Navy, besides war vessels and other craft for the East India Company. During his tenure of office he witnessed the completion in 1807 of a fourth dock, the Upper Duncan Dock, and the construction in 1810 of an outer or repairing dock, the Lower Duncan Dock, both of which were named after Jonathan Duncan, who was governor of Bombay from 1795 to 1811.[1]

Meanwhile the Marine, which in 1740 comprised a hundred officers and about two thousand seamen, who were chiefly English but occasionally deserters of other European nations, had commenced to lay the foundation of its subsequent reputation. In December, 1738, Commodore Bagwell, in command of four cruisers, heavily defeated Sambhaji Angria's fleet at the mouth of the Rajapur river;[2] in 1739, after the fall of Bassein, Captain Inchbird of the Marine negotiated a treaty with the Marathas;[3] and in 1756 a fleet of ten ships, under the command of Commodore James, co-operated with a royal squadron under Vice-Admiral Watson and a military force under Clive in a second attack upon Angria's fort of Gheria. The operations on this occasion were wholly successful; the fort was captured on 13 February, 1756; and the piratical chief of the Konkan ceased from that date to figure in the politics of Western India.[4] On the outbreak of the Seven Years' War, Commodore James (who subsequently became governor of Greenwich Hospital) added to his reputation by capturing a French vessel in 1756 and carrying her as prize to Bombay, and by voyaging round the coast of India in the height of the south-west monsoon, with the object of proving that communication between the eastern and western coasts of India was possible at all seasons.[5] This feat of navigation, which enlarged the views of the authorities as to the potential value of the Marine, proved doubly advantageous to the English; for the commodore not only brought to Bengal the earliest news of the outbreak of war with France, but also lent the services of five hundred of his seamen to Watson and Clive, for their attack on Chandernagore in March,

[1] *Bombay City Gazetteer*, II, 283 and n.; Campbell, *Bombay Town and Island Historical Materials*, II, 194 *sqq*. Cf. Low, *Indian Navy*, I, 174–5.

[2] Low, *op. cit.* I, 107. Cf. Forrest, *Bombay Selections* (Home Series), II, 72–4.

[3] Low, *op. cit.* I, 114.

[4] *Idem*, I, 132 *sqq*.

[5] Madras Public Dispatch to the Company, 6 June, and Public Consultations, 3 May, 1757.

1757.[1] During the struggle between France and England, the Bombay Marine was employed in co-operating with the Royal Navy in various engagements off the Indian coasts, and in earning the title of "The Police of the Indian Seas" by hunting the pirates of Western India and the Persian Gulf. It also laid the foundation of the present Marine Survey of India in 1772, when Lieutenant Robinson, in command of a schooner, a ketch and a *patamar*,[2] managed to explore and chart the coasts of Kathiawar, Sind and Mekran and a certain part of Arabia and Persia.[3]

In 1774 the Bombay Government, in pursuance of the agreement made with Raghunatha Rau,[4] determined to invade Salsette and take Thana by storm. This action was carried out on 28 December, 1774, by a Bombay force under General Gordon and a squadron of the Bombay Marine under Commodore John Watson, who was mortally wounded on the third day of the siege. Later on the Maratha War gave rise to another affair in which the reputation of the service was signally maintained by the *Ranger*, a small vessel commanded by Lieutenant Pruen, which was attacked in 1783 by a Maratha fleet of eleven ships, under the command of the Peshwa's admiral, Anandrava Dhulap. The *Ranger*, which was carrying several military officers as passengers, fought against these unequal odds until nearly every officer and seaman aboard was either killed or dangerously wounded, and being at last overpowered, was carried off to Vijayadrug, whence she was subsequently restored to the Company.[5] In 1780 the Marine formed part of Sir Edward Hughes's squadron in the operations against Hyder Ali; two years later Commodore Armytage, in command of the *Bombay* and other ships, helped to capture Rajamandrug, Kundapur, Mangalore and other places on the Malabar coast; while vessels of the Bombay Marine rendered good service in 1796 at the capture of the ports of Ceylon. In the pauses of the warfare engendered by the march of political events the Company's ships continued to harass their ancient foes, the pirates, and fought several engagements, of which the most noteworthy took place in 1797 between the *Vigilant*, commanded by Lieutenant Hayes, and four large vessels of the Sanganian pirates. The *Vigilant* was suddenly attacked while crossing the Gulf of Cutch on a political mission, but managed after three hours' desperate fighting to drive off the enemy with heavy loss.[6]

In consequence of the steady growth of the Marine, the eighteenth century witnessed various administrative changes in the dockyard establishment. In 1739 the post of Marine Paymaster was abolished, his duties being transferred to the Purser Marine, and about the same date a Superintendent of Marine was appointed on a salary of £220 a year. The establishment over which he presided consisted at that

[1] Low, *op. cit.* I, 138. But cf. Hill, *Bengal in* 1756–7, III, 157.
[2] Cf. *Hobson-Jobson*, s.v.
[3] Low, *op. cit.* I, 185 *sqq.*
[4] Cf. vol. V, p. 257, *supra.*
[5] Low, *op. cit.* I, 158.
[6] *Idem*, I, 202.

date of eight commanders, one of whom was styled commodore, a purser marine in charge of accounts and victualling, a master-builder, and other heads of departments. To these were added in 1754 a master attendant, who twenty-three years later (1777) ranked as second senior officer of the Marine and acted as assistant to the superintendent for the control of port-dues and the sail-making and rigging establishments. In 1778 the office of Superintendent of Marine was abolished in favour of a Marine Board, advocated by the court of directors, which was not immediately constituted and only functioned for a short time. In its place the post of Comptroller of Marine was created in 1785 and was held in rotation by the two junior members of the Bombay Council, who were expected merely to exercise general supervision over the various officers of Marine and secure obedience to the policy of the directors, while all executive orders relating to daily marine and dockyard administration were issued by the governor in council.

The valuable service rendered by the Bombay Marine during the second half of the eighteenth century was largely responsible for a revision of the Marine Regulations by the court of directors in 1798. Relative rank and retiring pensions were conferred upon the officers of the service, and the privilege of private trading, which had till then been allowed to all members, was formally abolished. The duties of the Marine were now defined to be (*a*) protection of trade, (*b*) suppression of piracy and general war-service, (*c*) convoy of transports and conveyance of troops, (*d*) marine surveying in Eastern waters. A Marine Board was established, composed of a civilian superintendent as president, a master attendant, a commodore and two captains, these four appointments being reserved for the four senior officers of the Marine. The remaining personnel at this date consisted of thirteen captains, thirty-three first lieutenants, twenty-one second lieutenants and thirty-seven volunteers. The regulations of 1798 were amended by the issue in 1814 of a warrant of precedence in India, by the publication in 1820 of new regulations as to uniform, and by the temporary abolition of the rank of commander and the provision of additional captains' appointments in 1824. Later on, in 1827, a royal warrant was issued, conferring upon Marine officers equal rank, according to their degrees, with officers of the Royal Navy, within the limits of the East India Company's charter; by the issue of an Admiralty warrant empowering Bombay Marine ships to fly the Union Jack and pennant; and thirdly by an order that the appointment of superintendent, as head of the Marine Service, should in future be held by an officer of the Royal Navy. Finally, in 1830, the title of the service, which included at that date twelve captains, nine commanders, fifty-one lieutenants and sixty-nine midshipmen, was altered to that of "the Indian Navy".[1]

[1] Low, *op. cit.* I, 213 *sqq.*

The principal administrative changes after that date consisted in the appointment in 1831 of a Controller of the Dockyard in supersession of the master attendant, the institution in 1838–9 as an integral branch of the Marine of a steam-packet service for the carriage of mails to Egypt; the gradual substitution of steamers for the old teak sailing vessels;[1] and successive alterations in the numbers of the service, which was officially declared in 1847 to consist of eight captains, sixteen commanders, sixty-eight lieutenants, 110 midshipmen, fourteen pursers and twelve clerks, fourteen masters and twenty-one second masters. The post of Superintendent of Marine disappeared in 1848, the holder at that date being styled Commander-in-Chief of the Indian Navy; and the broad pennant of the Indian Navy, which had till then been identical with that of the Royal Navy, was superseded by a red flag with a yellow cross and the East India Company's cognisance of a yellow lion and crown in the upper corner nearest the mast. On the assumption by the crown in 1858 of direct rule in India, the title of the Indian Navy was changed to that of Her Majesty's Indian Navy; and in the following year the duties of the Controller of the Dockyard, which also included the administration of the port and other duties now performed by the Bombay Port Trust, were limited to the commercial work of the port, while his dockyard duties were transferred to a dockmaster, now known as the staff officer. In 1863 a new code of regulations was issued; the name of the service was once again changed to the Bombay Marine; and the recruitment of European seamen was prohibited, their places being taken by Indians belonging to the seafaring classes of the western coast—descendants, in fact, of the coast pirates with whom the Marine waged so fierce a struggle in the seventeenth and eighteenth centuries.

The war services of the Bombay Marine continued during the first half of the nineteenth century. It shared in the Egyptian campaign of 1801, helped to guard the Bay of Bengal from French aggression in 1803, assisted at the capture of Mauritius in 1810, and participated in the conquest of Java in 1811. In 1813 it was employed against the Sultan of Sambar; in 1815 it blockaded the piratical strongholds of Cutch and Kathiawar; it assisted in the attack on Suvarndrug and Madangadh during the third Maratha War; and it practically exterminated piracy in the Persian Gulf in 1819.[2] The siege and capture of Mocha in 1820 offered the opportunity for a fresh display of prowess on the part of the Marine;[3] in the following year four ships under Captain Hardy, Commander Stout and Lieutenants Dominicetti and Robinson reduced the Ben-ibu-Ali Arabs to submission; and in 1826 Commodore Hayes and other officers of the Marine received the thanks of parliament for their "skilful, gallant and meritorious

[1] Cf. Hoskins, *British Routes to India*, pp. 193 *sqq*.
[2] Low, *op. cit*. I, 310 *sqq*.
[3] Dodwell, *Founder of Modern Egypt*, p. 60; Low, *op. cit*. I, 299 *sqq*.

exertions" against Ava. Between 1830 and 1863 the Indian Navy was on practically continuous service in India and the Persian Gulf. The power of the Beni-yas Arabs was broken by Captain Sawyer of the *Elphinstone* in 1835; in 1838 the Indian Navy provided a blockading squadron at the mouth of the Indus; it served under Admiral Maitland in the Persian Gulf and at the capture of Aden in 1839; it co-operated with the Royal Navy during the China War of 1840–2; the officers and crews of three vessels under Commander Nott fought at Miani and Hyderabad (Sind) in 1843. The Company's vessels carried troops to Vingurla during the insurrection of 1844–5 in the Southern Maratha country; in 1846 the *Elphinstone* (Captain Young) shared in the capture of Ruapetapeka (New Zealand); during the siege of Multan in 1848–9 the Indus flotilla was provided by the Indian Navy; its vessels captured Bet island in 1850, played an important part in the second Burma War of 1852, suppressed piracy on the north-east coast of Borneo in the same year, and helped the Turks to defend Hodeida in 1856.

On the outbreak of war with Persia in 1855, the sea forces were drawn entirely from the Indian Navy, with Rear-Admiral Leeke in command and Commodore Ethersay of the Company's service as second. Bushire was taken in 1855 and Muhammarah in 1857—the latter operation, which had to be carried out under great difficulties, evoking from the governor-general in council a well-merited eulogy on the judgment, skill and discipline shown by all ranks. The Indian Navy distinguished itself during the military operations in South China and at the seizure of Perim island in 1857; it provided naval brigades for service ashore during the Mutiny, while Captain Jones of the Indian Navy held the Arab tribes of the Persian Gulf at bay during the same grave crisis. The tale of the active war services of the Bombay Marine forces ends with the China War of 1860, when the attack on the Taku forts was led by the *Coromandel*, commanded by Lieutenant Walker.

The organisation of the Indian trooping service in 1867 sounded the knell of the Indian Navy as a fighting force. The officers' cadre was then enlarged to include twelve commanders, ten first, eleven second, and seven third officers, and 109 engineers. One resident transport officer was appointed from the service. Ten years later (1877), however, in consultation with Captain (afterwards Admiral) Bythesea, the Indian Government effected a radical reorganisation of their naval establishment. The Bombay service was amalgamated with other marine establishments in India, under the title of Her Majesty's Indian Marine, the combined establishments being divided into a western division concentrated at Bombay and an eastern division at Calcutta; and the duties of the service were declared to be (*a*) transport of troops and government stores, (*b*) maintenance of station ships in Burma, the Andamans, Aden, and the Persian Gulf

for political, police, lighting and other purposes, (*c*) maintenance of gunboats on the Irawadi and Euphrates, (*d*) building, repairing, manning and general supervision of all local government vessels and launches and all craft used for military purposes. In 1878 a naval constructor was appointed from England for the first time, and this was the prelude to the retirement in 1885 of the last of the Wadias, whose connection with the dockyard as master-builders had lasted without a break for one hundred and fifty years. In 1882 the appointments of Superintendent of Marine at Bombay and Calcutta, which were included in the reorganisation scheme of 1877, were abolished in favour of a single appointment of director, to be held always by an officer of the Royal Navy with Bombay as his headquarters, assisted by a deputy, chosen from the Indian Marine and stationed at Calcutta. The anomalous position of the officers and crews of the Marine, who were not subject to the provisions of the Naval Discipline Act and Merchant Shipping Act, was regulated by the passing of the Indian Marine Service Act, 1884 (47 & 48 Vict. c. 38), which enabled the governor-general in council to legislate for the maintenance of discipline; and simultaneously the post of assistant secretary to the Government of India (Marine Department), which had been created in 1880 and held by Admiral Bythesea, was replaced by that of assistant director of the Indian Marine. An Admiralty warrant of the same year (1884) sanctioned the use by ships of the Indian Marine as ensign of a blue flag with the Star of India in the fly, and as marine jack of a union jack with a narrow blue border. Finally in 1891 the title of the service was once more altered to that of "The Royal Indian Marine" by an order in council, which also provided that officers of the service, with the titles of commander, lieutenant and sub-lieutenant, should rank with, but junior to, officers of the Royal Navy of equal rank, and should wear the same uniform as the latter, with the exception of the device on epaulettes, sword-hilt, badges and buttons, and of the gold lace on the sleeves.

This retrospect may fitly conclude with a brief notice of the Naval Defence Squadron and of the later progress of the Indian Marine Survey. The former, which was established at Bombay in 1871 for the defence of the Indian coasts, consisted in 1889 of two turret-ships and seven torpedo boats, commanded by officers and manned by crews of the Indian Marine. In 1892 the squadron, which had been increased by the purchase of two torpedo gunboats, was placed under the command of an officer of the Royal Navy, while the other officers were chosen partly from the Royal Navy and partly from the Royal Indian Marine. The crews comprised both bluejackets and lascars. In 1903 the squadron was abolished, and the defence of India by sea was entrusted wholly to the Royal Navy.

The history of the survey during the nineteenth century opens with the establishment in 1809 of a Marine Survey department in Bengal,

which charted the east coast of Africa as far south as Zanzibar, the Persian Gulf and other seas, before it was abolished in 1828 during Lord William Bentinck's administration. The work of the department, however, was considered sufficiently important to be carried on between 1828 and 1839 by two vessels, which explored the coasts of Africa and Socotra, the Maldive and Laccadive islands, and the mouth of the Indus. After 1844 comprehensive surveys were conducted on the Jehlam and Indus rivers, in the Gulf of Cutch and other parts of the west coast of India, in the Bay of Bengal, on the Pegu coast and the rivers of Burma, and in Malacca and Sumatra. In 1861 the control of the Indian Marine Survey was transferred to the Admiralty, but seventeen years later (1878) it was again organised in Calcutta as a department of the Indian Marine. The headquarters were transferred from Calcutta to Bombay in 1882, and a year later it was decided to reserve the appointments of surveyor in charge and his senior assistants for officers of the Royal Navy and to fill the junior officers' grades from the Royal Indian Marine. From 1894 the senior assistants' appointments were also thrown open to the latter service. Since its first establishment the Royal Indian Marine has performed much valuable work in the charting and delineation of the coasts of India, Burma, the Persian Gulf and Africa, besides materially advancing scientific knowledge of the fauna of the Indian seas.

CHAPTER IX

THE ARMIES OF THE EAST INDIA COMPANY

It was not for many years after its incorporation that the Company of Merchants of London trading into the East Indies found it necessary to employ military forces to protect its possessions and its interests, but guards of peons, undisciplined and armed after the native fashion, were enrolled in its factories, from the time when these were first established. These peons could hardly be regarded as soldiers, and were employed rather to add to the dignity of the Company's officials than for purposes of defence. Later in the seventeenth century provision was made for the defence of the larger factories by the maintenance at each of a small body of European soldiers, under an ensign, and a "gun-room crew" supplied by the Company's ships, to work the guns of the factory.

In 1662 King Charles II sent out a small force to defend Bombay, which was part of the dowry of his queen, but the Portuguese did not vacate the factory until 1665, by which time the force had suffered severely from the climate, and numbered, besides Captain Henry Cary, who commanded it, only one ensign, four sergeants, six corporals, four drummers, ninety-seven privates and some details, including two gunners and a gunner's mate. In 1668, when the king leased Bombay to the East India Company, its garrison consisted of twenty commissioned and non-commissioned officers, 124 privates and fifty-four Topasses, or half-caste Portuguese, and this force eventually became the nucleus of the 1st Bombay European Regiment.[1] In 1711 the garrison of Madras consisted of 250 European soldiers and 200 Topasses, and in 1748 various independent companies were embodied as a regiment, afterwards the 1st Madras Fusiliers, in which Robert Clive received his first commission as an ensign.[2]

It is generally believed that Dupleix, in his war with the English Company on the east coast, was the first to employ Indian sepoys trained in the European manner, but this was not so. The French settlement of Mahé was founded in 1721, near the English settlement of Tellicherri, on the west coast, and it was here, in hostilities which lasted from 1721 to 1729, that the term sepoy first appears as the name of a military force in European service. They were *condottieri*, whose loyalty was not always above suspicion, but they had some knowledge of European methods of war, for a French royal officer described them as well trained.[3]

[1] Foster, *Factories*, 1668–9, p. 67; Malabari, *Bombay in the Making*, pp. 188–97.
[2] In 1748, G. B. Macleson, *Lord Clive*, p. 33.
[3] Dodwell, *Sepoy Recruitment*, pp. 2, 6, 7.

Dumas, the predecessor of Dupleix, first employed on the east coast sepoys from the west coast. In 1744 the council at Pondichery considered the company of sepoys to be hardly worth its pay, but the outbreak of war with the English Company obliged them not only to retain it, but to obtain another company from Mahé.[1] The French captured Madras in 1746, and the English Company was obliged to turn its attention to the organisation of a force for the defence of its possessions. In 1748 Captain Stringer Lawrence of the 14th Foot, the "father of the Indian Army", arrived at Fort St David, then temporarily the Company's principal factory on the east coast, with the king's commission as major, to command all the Company's troops in the East Indies. He embodied the Madras European Regiment and enlisted 2000 sepoys, "at first scarcely better disciplined than common peons", who were organised in independent companies, but his activities were arrested by his capture by the French. Admiral Boscawen, who arrived at Fort St David with orders to assume the command both at sea and on land, sent him to attack Ariancopang, near Pondichery, where he was taken and was detained until the Peace of Aix-la-Chapelle, concluded in October, 1748, led to a cessation of hostilities and the restoration of Madras to the English Company. The organisation of the Company's forces then proceeded; the sepoys were placed under an English commander[2] and the "gun-room crews" were superseded by two companies of artillery from England, one at Fort St George and one at Fort St David. Lawrence was granted leave to England, and his task was carried on by Robert Clive, now a captain. His great feat of capturing and defending Arcot in 1751 was performed with 200 European soldiers and 300 sepoys, and the conduct of the latter proved how greatly their military spirit had improved under Clive. The quality of Eastern troops always depends largely on the character of those by whom they are led.

Lawrence returned from England, and the hostilities between the two Companies continued in India, though their countries were at peace. In September, 1754, a squadron of six ships under Admiral Charles Watson, with the 39th Foot (*Primus in Indis*) under Colonel John Adlercron, and a detachment of Royal Artillery, arrived at Fort St George,[3] and in the following year Clive, who in 1753 had gone to England for reasons of health, returned with the king's commission as a lieutenant-colonel, and assumed charge of Fort St David as governor. Late in 1756 he was obliged to proceed to Bengal, in order to recover Calcutta, and the troops which accompanied him, or joined him later, consisted of detachments of the artillery, of the 39th Foot under Major Eyre Coote, and of the Madras and Bombay European Regiments, and a force of sepoys from Madras; and he had also at his disposal the Bengal European Regiment recently enrolled

[1] Dodwell, *op. cit.* p. 5. [2] *Idem*, p. 8.
[3] Love, *Vestiges of Old Madras*, II, 447.

by Major Killpatrick,[1] and a force of Bengal sepoys. His campaign in Bengal will be noticed later.

In 1757 the Seven Years' War broke out, and the two Companies were again involved in hostilities in India. The war had not been unforeseen, and the Madras Council was fully aware of the risk which it ran in detaching so large a force, with its best officer, to Bengal, but the plight of that presidency admitted of no delay. In June, 1758, the French, under Lally, captured Fort St David, and in December occupied the Black Town of Madras and opened the siege of Fort St George, but were obliged to retreat on the arrival of a British squadron in February, 1759.

Till then the sepoys had been organised in independent companies. But the important development of organising them in battalions was now introduced. The English Company had decided on the measure before war broke out, but had had no opportunity of accomplishing it. Lally's siege had provided further evidence of the difficulty of controlling independent companies, and early in 1759 Lawrence presided over a committee, whose proposals provided for a sepoy force of 7000 men, formed into seven battalions, each consisting of a grenadier company and eight battalion companies, each company commanded by a subadar, with a jamadar and a due proportion of non-commissioned officers. Each battalion was commanded by a native commandant, but its training was the care of two British subaltern officers and three sergeants, and three inspecting captains were appointed to supervise the training of the whole force, which was the real foundation of the Indian Army as it exists to-day.[2]

Clive's victory at Plassey, and the deposition of Siraj-ud-daula, established the Company as the predominant authority in Bengal, and the maintenance of its power required a respectable military force. The 39th Foot was recalled to Europe, but all ranks were permitted to volunteer for the Company's service, and five officers and about 350 men were transferred to the Bengal establishment, the officers receiving a step in rank.[3] The two companies of the Bombay European Regiment and the detachment of the Madras European Regiment were also transferred to Bengal,[4] and a few battalions of sepoys were raised, to each of which were posted two officers from the European Regiment.

The armies of Bengal, Madras and Bombay now developed independently. Communication between the three presidencies was difficult and tedious, and each was confronted with dangers which necessitated a rapid increase in and improvement of its armed forces. In Bengal the outbreak of war between the Company and Mir Kasim, his massacre of 2000 sepoys at Patna, and of about two hundred Britons there and elsewhere, and his alliance with the Nawab-

[1] Innes, *Bengal European Regiment*, pp. 15, 16.
[2] Love, *op. cit.* II, 566.
[3] *Idem*, II, 513.
[4] Innes, *op. cit.* pp. 69, 70.

Wazir of Oudh and the Emperor Shah 'Alam against the Company led to a great expansion of the Bengal army, and Clive, during his second term of office in Bengal, which ended in 1767, reorganised both the army and the civil administration.[1] In the Madras Presidency the wars with the principality of Mysore, and in Bombay the Maratha wars, lasting from 1775 to 1782, led in like manner to great increases in the presidency armies. Thus, in Bengal the number of sepoy battalions rose from one in 1757 to nineteen in 1764. The native ranks in each battalion consisted of a commandant, an adjutant and ten companies, two of which were grenadiers, each company commanded by a subadar, with three jamadars, and consisting of five havildars, four naiks, two tomtoms and seventy sepoys. Each company had its own stand of colours.[2] Besides these sepoys, there were on the strength of the Bengal army in 1765 four companies of artillery, twenty-four companies of European infantry, a troop of hussars, and about 1200 irregular cavalry.[3] After the conclusion of peace the hussars were dismounted and incorporated with the European infantry, all the irregular cavalry, except 300, were dismissed, the European battalion, 1600 strong, was augmented and formed into three single-battalion regiments of nine companies each, and each consisting of 731 rank and file with the same establishment of officers as a king's regiment of the line, and three more battalions of sepoys were raised. Clive then organised the Bengal army in three brigades, each consisting of a troop of irregular cavalry, a company of artillery, a battalion of European infantry, and seven battalions of sepoys.[4] In the Maratha War six sepoy battalions from the first brigade were ordered to the West of India, but six new battalions were raised to take their place in Bengal, and several battalions trained by British officers for the Nawab-Wazir of Oudh were incorporated in the Bengal army.

In 1780, in consequence of the defeat of Colonel Baillie and the invasion by Hyder Ali of the Lower Carnatic, the Bengal Government increased its military establishment by raising the strength of each sepoy battalion to 1000 and dividing it into two battalions of five companies. A major commanded each regiment, a captain each battalion, and a lieutenant each company.

During the war in the Carnatic[5] the Bengal Presidency assisted the Madras Presidency with both European and native troops, and in 1785 the Bengal army was reorganised. Each of the two-battalion regiments of sepoys was amalgamated into a single-battalion regiment of ten companies, and the army was divided into six brigades. Each of the three European battalions was divided into a two-battalion regiment, allowing one European battalion to each brigade,[6] the

[1] Innes, *op. cit.* pp. 229, 230.
[2] Williams, *Bengal Infantry*, p. 5.
[3] Broome, *Bengal Army*, p. 431.
[4] *Idem*, pp. 533–40.
[5] Vol. v, p. 284.
[6] Innes, *op. cit.* p. 280.

other troops assigned to each brigade being a company of artillery, with lascars, and six battalions of sepoys. These orders remained in force until 1796.

In 1765 the Madras establishment of seven battalions of sepoys was increased to ten battalions, each 900 strong, a captain, a lieutenant and an ensign being posted to each battalion;[1] and in the following year, when the Northern Circars (Sarkars) fell into the Company's possession, eight new battalions were raised there. These, known as the Circar battalions, were numbered separately from the Carnatic battalions. They invariably served, in time of peace, in the Telugu country, where they were raised, and were inferior, both in discipline and courage, to the Carnatic battalions.[2] The military force of the Madras Presidency grew throughout the Mysore War, and was re-organised in 1784, when the distinction between the Carnatic and Circar battalions was abolished, the former being numbered from 1 to 21, and the latter from 22 to 29, while the raising of new battalions brought the number up to thirty-five; but in 1785 the number of battalions on the Madras establishment was reduced to twenty-one, the Circar battalions being broken up and distributed among the battalions which were retained. This introduced a "mixed" system of recruiting, under which the composition of each unit was a matter of accident, "tempered from time to time by the predilections of the officer who commanded it".

The Bombay army developed on a smaller scale. Its European soldiers were formed into a regiment during the War of the Austrian Succession, and before 1796 its sepoy battalions had reached twelve in number.

The recruitment of European officers for the Company's troops was at first a matter of difficulty. Until 1748 and again later, when the seven sepoy battalions were formed, many sergeants were promoted to the rank of ensign, but such promotions gradually became exceptional. "The great objection to these ranker-officers was their unseasonable drunkenness" and a tendency to continue to associate with those of the rank from which they had risen. Both Clive and Coote observed these faults, and Coote remarked: "There is little dependence on this kind of men's behaviour, who are raised from sergeants to rank with gentlemen".[3] A few young writers followed Clive's example, and received commissions.

Mixed blood was not a disqualification for the Company's commission, which was often given to the sons of officers who had formed irregular unions in India, as an acknowledgement of their fathers' services, but colour was to some extent a bar, and later the Company required of cadets appointed in India a certificate that they were not the sons of wives or concubines of pure Indian blood.[4] Foreign

[1] Wilson, *Madras Army*, I, 224.
[2] Dodwell, *Sepoy Recruitment*, pp. 25–7.
[3] Dodwell, *Nabobs of Madras*, p. 42.
[4] *Idem.*

officers, deserters and released prisoners of war were sometimes admitted to the Company's service, and in some instances served it well, but naturally could not always be trusted when opposed to their own countrymen, and an attempt to maintain a Foreign Legion failed. A Frenchman who served in the ranks of the Madras European Regiment, but never received a commission, was Bernadotte, afterwards a marshal of France and king of Sweden.

The most valuable source of recruitment was the royal army. Officers of king's regiments leaving India were permitted to volunteer for the Company's service, in which they usually received a step in rank,[1] and when peace in Europe led to the reduction of regiments there was always a number of officers on half-pay and in reduced circumstances who were glad to accept employment under the East India Company. Such officers improved the efficiency, the social status and the military spirit of the officers in the Company's armies. When service in those armies became attractive the directors discouraged local appointments, and took the military patronage, as it became more valuable, into their own hands. They first sent out volunteers, who served in the ranks until vacancies occurred, and later, cadets, who were sent out as such, and received commissions as soon as they had acquired a sufficient knowledge of drill and military duties.

The native troops first employed against the French were Moplahs, and "Moors" and Hindus from Mangalore and Tellicherri. Later, in the Carnatic battalions, Muslims were the most numerous class, Tamils coming next. The "Telingas" of the Circar battalions have already been noticed, and in spite of their poor reputation as soldiers they continued to be recruited after the amalgamation of the Carnatic and Circar battalions, the classes in the mixed battalions coming in the following order in numerical strength: (1) Muslims, (2) Telingas, (3) Tamils, (4) Rajputs, Marathas and Brahmans, and (5) other castes.[2]

Of the quality of the early sepoy force various opinions were expressed, some very unfavourable, but the Carnatic regiments, at least, fought well when well led, and against the low opinion of them held by some of the Company's officials we may set the confession of Lally:

> You would be surprised at the difference between the black troops of the English and ours; it is greater than that between a Nawab and a cooly; theirs will even venture to attack white troops, while ours will not even look at their black ones.[3]

Nevertheless, the poor quality of recruits obtainable even in the Carnatic was noticed as early as in 1788, and in 1795 the Madras Government, probably in consequence of Lord Cornwallis's criticism of the produce of their recruiting grounds, proposed to draw recruits,

[1] Broome, *op. cit.* pp. 392, 393.
[2] Dodwell, *Sepoy Recruitment*, chap. vii.
[3] *Idem*, p. 12.

to the number of six or seven hundred annually, from Bengal and Bombay. The Bombay Government rejected the proposal, on the ground that the natives of their presidency would not willingly serve beyond its limits, and that they could not find, within those limits, sufficient recruits for their own army, but the Supreme Government agreed to supply recruits, not "stout Bengalese", as the originator of the scheme, in his ignorance of Bengal and its inhabitants, had suggested, but men more accustomed to military service. Two large drafts were supplied, but the scheme was an utter failure. Owing to the price of grain in the south, which was so high that a sepoy could hardly live on his pay, and the uncongenial surroundings, it was found impossible to keep the Bengal recruits with the colours, and they deserted in such numbers that recruitment in the north was abandoned.[1]

The Bengal army at first drew its recruits from the mixed classes of adventurers to be found in the Bengal provinces, and from 1776 onwards from the kingdom of Oudh, enlisting chiefly Brahmans and Rajputs, described as a brave, manly race of people.[2]

> It is not necessary to suppose that the discipline was exact, or the training perfect, but both were infinitely superior to anything possessed by the Company's opponents. The power of marching and manœuvring in solid formations, and of concentrating fire, and the use of well-served guns enabled small bodies of the Company's soldiers to overcome the loosely arrayed hordes of their adversaries.[3]

In 1796 the armies of the three presidencies were, for the first time, completely reorganised.[4] To Bengal were allotted three, and to Madras two battalions, and to Bombay six companies of artillery, all with complementary companies of lascars. Bengal was to maintain three, and Madras and Bombay each two battalions of European infantry, of ten companies, and Bengal and Madras were each to maintain four regiments of regular native cavalry. The single-battalion native infantry regiments were formed into regiments of two battalions, of which Bengal had twelve, Madras eleven, and Bombay six, with a single battalion of marines. The establishment of British officers allowed to regiments of native cavalry and infantry was nearly the same as in king's regiments. The reorganisation had more than one serious defect. To the colonel commanding an infantry regiment was transferred most of the authority which should have been exercised by lieutenant-colonels commanding battalions, with the result that the latter officers lost the respect of the sepoys. Both Sir Thomas Munro and Sir John Malcolm[5] considered the establishment of British officers excessive, and believed that it would diminish the sense of responsibility in the native officers. They would have preferred the allotment, made after the Mutiny of 1857, of six or seven

[1] Dodwell, *Sepoy Recruitment*, pp. 33–7.
[2] Broome, *op. cit.* p. 503.
[3] *Imperial Gazetteer of India*, IV, 330.
[4] *Idem*, IV, 333.
[5] Malcolm, *Political History*, pp. 495–6.

British officers to a battalion, to act as field officers and regimental staff, the command of companies being left to the native officers; but the provision of British officers was less generous than it appeared to be. As the Company's territories extended, and it attended more closely to matters of administrative detail, Europeans were required for many duties for which the establishment of the civil service was insufficient, and with which its members were not well fitted to cope. Public works, the staff and commissariat of the army, "political", that is to say diplomatic service at the courts of ruling chiefs, surveys, the supervision of trunk roads, the administration of newly annexed territory, the command and control generally of contingents and irregular troops raised in native states and newly annexed territory, and, later, the control of the civil police, were provided almost entirely by officers of the army, and those deputed on such duties remained on the establishments of their regiments, which they rejoined when the regiment was ordered on active service, or when, by seniority, they succeeded to the command. Allowing, besides this heavy drain, for the number of officers on furlough, now, with pensions, granted for the first time, the number of officers actually on duty with a regiment of cavalry or a battalion of infantry was seldom more than half the establishment.[1]

The sources of recruitment have already been described. The quality of the officers was for some time poor, with several brilliant exceptions. This was partly due to the Company's treatment of its military officers, which was parsimonious in the extreme, and produced many unfortunate results. The material inducement offered to tempt candidates was an initial salary of about £120 a year, often in an expensive environment and a noxious climate. It was practically impossible for a young officer to keep out of debt. To set up the most modest of households cost about £200,[2] and an extract from a junior officer's account-book shows his expenditure, in no way extravagant, to have been Rs. 265 a month, while his pay was Rs. 195.[3] Sir Thomas Munro, who joined the Madras army in 1780, and held a staff appointment as a lieutenant, thus describes his attempts to live within his means:

> My dress grows tattered in one quarter whilst I am establishing funds to repair it in another, and my coat is in danger of losing the sleeves, while I am pulling it off to try a new waistcoat.

Later, while holding a comparatively lucrative civil appointment, he writes:

> I have dined to-day on porridge, made of half-ground flour instead of oatmeal, and I shall most likely dine to-morrow on plantain fritters, this simplicity of fare being the effect of necessity, not of choice.[4]

If the Company had many bad bargains it had largely itself to thank.

[1] Official Army Lists.
[2] Williamson, *East India Vade Mecum*, I, 173.
[3] Carey, *Good Old Days*, I, 233.
[4] *Idem*, I, 229.

Cadets were at first allowed to find accommodation for themselves in punch-houses, but were afterwards lodged in barracks, and subjected to discipline. Early in the nineteenth century a college was established at Barasat, fourteen miles from Calcutta, where they were instructed in drill and the Hindustani language, but the officers in charge of them lived at a distance, and except in class and on parade they were subjected to hardly any control or discipline. The ruin of many promising young men, the premature deaths of not a few, and the disgrace and shame that overtook no mean portion of the crowd of unfortunate youths, led to the closing of the college in 1811, and cadets were then posted to regiments, but, owing to the comparatively small number of British officers then doing duty with most native regiments, discipline was not sufficiently strict,[1] and it would have been well for the Company's armies if Sir Thomas Munro's advice that all young men destined for native regiments should be attached for a year or two to a British regiment, in order to learn their duties and acquire military discipline, had been followed then, instead of much later.[2] The college for cadets at Addiscombe was founded in 1812.

The life of regimental officers in cantonments far from presidency towns was insufferably dull and tedious. Books, book-clubs and newspapers were few; there was practically no civilised female society, and the monotony of the long hot-weather days, perforce spent indoors, was dreary. Some procured books for themselves, and studied their profession, the languages of the country, and history; some practised music and painting, and some indulged in sport, but the sole relaxations of many were gambling and drinking. Their drink, beer, claret, sherry, madeira and brandy, was expensive, and, if indulged in to excess, unwholesome in the Indian climate. The mortality was great, and ill-health, gambling and drinking produced tempers ready to take, and equally ready to give, offence. Duels were not uncommon, and were sometimes fatal. Concubinage was the natural result of the absence of European women.

> The number of European women to be found in Bengal and its dependencies [early in the nineteenth century] cannot amount to two hundred and fifty, while the European male inhabitants of respectability, including military officers, may be taken at four thousand,

writes one officer, in a book[3] dedicated to the directors of the East India Company. "The case speaks for itself", he continues, "for, even if disposed to marry, the latter have not the means." Young officers could not be expected to accept a state of lifelong celibacy, and the native "housekeeper" was an established institution. From such unions, and from the marriages of European soldiers, sprang the class known first as East Indians, then as Indo-Britons, then as Eurasians,

[1] Carey, *op. cit.* I, 236–43.
[2] Buckle, *Bengal Artillery*, pp. 33, 34.
[3] Williamson, *op. cit.* I, 453.

and now, officially but inaccurately, as "Anglo-Indians". These irregular unions were recognised not only by the officers' comrades and superiors, but by the court of directors, who perceived that a body of officers living with native mistresses would cost them less than officers married to ladies of their own class and nation, and requiring provision for their families. After the introduction of the furlough rules, and as India became more accessible, the standard of morals gradually improved, and, though it was long before the native mistress ceased to be an institution, she retired by degrees into the background, and finally disappeared.

In 1824 the armies of the three presidencies, having grown greatly in numbers during the third Maratha, the Pindari, and the Nepal wars, were again reorganised. The two-battalion regiments of native infantry were divided into single-battalion regiments, of which Bengal now had sixty-eight, Madras fifty-two, and Bombay twenty-four. The artillery was more than doubled in strength, and was divided into brigades and batteries of horse, and battalions and companies of foot, artillery. Bengal and Madras each had eight, and Bombay three regiments of regular native cavalry, and Bengal had, in addition, five, and Bombay three regiments of irregular cavalry.[1]

In the same year the first Burmese War broke out, and three regiments of Bengal infantry, ordered to march overland to Arakan, providing their own transport, mutinied. Whether or not transport, as was urged on their behalf, was unprocurable, there is no doubt that it was most difficult to obtain, and most costly, and the men suspected that the order was a device to compel them to cross the "black water", and thus to break their caste. Their petitions were disregarded, they broke into mutiny, and they were "shot down and sabred on parade". The commander-in-chief protested against the finding of the court of enquiry that the mutiny was "an ebullition of despair against being compelled to march without the means of doing so", but it was certainly just.[2]

The Company's behaviour to its military forces was too obviously that of a group of traders towards their servants ever to command from them that unquestioning loyalty and obedience with which the royal troops served the king,[3] and the record of disaffection and mutinies in its armies is a long one. In 1674 and 1679 the European force in Bombay mutinied in consequence of reductions in its pay,[4] and in 1683 Captain Richard Keigwin, commanding that force, having been deprived of his seat in council, and the allowances attached to it, rebelled against the Company, and declared that he held the fort and island of Bombay on behalf of the king. Vice-Admiral Sir Thomas Grantham eventually persuaded him, on the

[1] *Imperial Gazetteer of India*, IV, 336.
[2] *Idem*, IV, 336.
[3] Malcolm, *Political History*, p. 484.
[4] Malabari, *op. cit.* pp. 189, 190.

promise of a free pardon, to surrender in accordance with the royal command, and he left for England.[1]

In 1758 nine captains of the Bengal European Regiment, resenting their supersession by officers of the Madras and Bombay detachments, which were incorporated with the regiment, resigned their commissions together, but Clive dealt firmly with them. Six were dismissed the service, and the other three were restored, with loss of seniority, on expressing their contrition.[2] In 1764 a mutiny in the Bengal European Regiment, fomented by the large numbers of foreigners who had been enlisted, was suppressed,[3] but was followed by a mutiny of the sepoys, who were discontented with their share of the prize-money, and with a new code of regulations and system of manœuvres introduced by Major Hector Munro, then commanding the Bengal army. Munro quelled this mutiny with great, but not unnecessary severity, the leading mutineers being blown from guns in the presence of their disaffected comrades.[4]

The mutiny of the British officers of the Bengal army caused by the reduction of batta, or field allowance, has been described in volume v.[5] In 1806 a mutiny broke out in the native ranks of the Madras army. Orders had been issued that the sepoys were to wear shakos instead of turbans, that they were to shave their beards, and that caste-marks and ear-rings were not to be worn on parade. The men regarded these orders as an attack on their religion, and the garrison of Vellore, where some of the Mysore princes were interned, hoisted the Mysore flag, and murdered their British officers and some of the European soldiers, but the remnant of these, under Sergeant Brodie, held out against them until a small force under Colonel Gillespie arrived from Arcot, blew open the gates of the fortress, cut down 400 mutineers, and captured nearly all the rest. There had also been trouble at Hyderabad, but Gillespie's prompt action crushed the mutiny.[6]

In 1809 a "white mutiny" broke out in the Madras army. Some of its senior officers had personal grievances, some allowances had been reduced, and the pay of the officers generally was less than that of those on the Bengal establishment, but their chief complaint was that the officers of the king's service monopolised the favours of the local government, and held most of the staff appointments and "situations of active trust, respectability, and emolument", as they were described by Lieutenant-Colonel the Hon. Arthur St Leger, one of the leaders of the movement. The relative status of the officers of the king's and the Company's services had long been a thorny question, and the case for the Company's officers was thus moderately

Vol. v, p. 102, *supra.*
Innes, *op. cit.* pp. 71, 72.
Idem, pp. 179–84.
Broome, *op. cit.* pp. 458–61.
Pp. 178–80, and Broome, *op. cit.* chap. vi.
Wilson, *op. cit.* III, chap. xviii.

stated by Colonel (afterwards Major-General Sir John) Malcolm, writing in 1811:

> If it [the British Empire in India] cannot afford to give high pecuniary rewards, it should purchase the services of men of birth and education; and remunerate the great sacrifices which they make in entering the native army of India by approbation, rank, and honours; and, instead of leaving them in a state of comparative obscurity, depressed by the consideration that they are an inferior service, and that military fame, and the applause of their King and country, are objects placed almost beyond their hopes; their minds should be studiously elevated to these objects; and they should be put upon a footing which would make them have an honourable pride in the service to which they belong. This they never can have (such is the nature of military feeling), while they consider themselves one shade even below another, with which they are constantly associated.[1]

The officers of the Madras army had long been discontented, and the commander-in-chief, Lieutenant-General Hay Macdowell, who sympathised with them, had done nothing to allay their discontent, and had left for England before it reached its climax. Sir George Barlow, the governor, at first acted injudiciously, and at Masulipatam the officers of the European Regiment openly defied the orders of government. The mutiny spread to Gooty, Secunderabad, Jalna, Bellary, Cumbum, Trichinopoly, Dindigul, Madras, Pallamcottah, Cannanore, Quilon and Seringapatam, the troops in the last-named place rising in arms against the government. Treasure was seized, acts of violence were committed, and the intention of the mutineers appeared to be the subversion of the civil government. At length vigorous action was taken. European troops were obtained from Ceylon, and the officers who were in revolt were called upon to sign a test, or declaration of obedience. The influence of the governor-general, Lord Minto, and of such officers as Colonels Close and Conran, of Colonel Montresor and Captain Sydenham at Secunderabad, and Colonel Davis at Seringapatam, the fear lest the king's troops should be employed against them, the lukewarm support of the sepoys when they understood that the quarrel was not theirs, and the removal of many officers from their regiments, when their places were taken by king's officers, brought them to reason. Eventually no more than twenty-one were selected for punishment, as examples to the rest. Of these one died, four were cashiered, and sixteen dismissed the service; but of those cashiered three, and of those dismissed twelve, were afterwards restored. This leniency amounted to an admission that the offence of the officers, grave though it was, was not unprovoked.[2]

The growth of the presidency armies failed to keep pace with that of the Company's territories and responsibilities, and it was found necessary to raise local corps, "more rough and ready than the regular army",[3] for the defence of new territories and the protection of native ruling chiefs. In the Mysore and Maratha wars the Nizam, as the

[1] Malcolm, *Political History*, pp. 482, 483.
[2] Malcolm, *Observations*; Cardew, *White Mutiny*.
[3] *Imperial Gazetteer of India*, IV, 337.

Company's ally, had provided contingents of troops, and Arthur Wellesley had found the contingent provided in 1803 inefficient and useless. As the Company maintained by treaty a large subsidiary force for the protection of the Nizam and his dominions, it was entitled to demand that he should provide troops fit to take the field with it and this demand led to the establishment of the Hyderabad contingent,[1] a force of four regiments of cavalry, four field batteries and six battalions of infantry, officered, but not on the same scale as the Company's regular troops, by "respectable Europeans".[2]

The fighting qualities of the Gurkhas were discovered in the Nepal War (1814–16),[3] and a few irregular battalions of Gurkhas were raised. The first, the Malaon Regiment, was incorporated in the line, in 1850, as the 66th Bengal Native Light Infantry, but in 1861, after the Mutiny, it and four other Gurkha battalions were removed from the line and numbered separately.

In 1838, when the Company foolishly undertook the restoration of Shah Shuja to the throne of Afghanistan,[4] an irregular force was raised in India for his service, and the 3rd Infantry, which had distinguished itself in the defence of Kalat-i-Ghilzai,[5] was retained in the Company's service, at first as an irregular regiment, but after the Mutiny incorporated in the line as the 12th Bengal Native Infantry.

In 1846, after the first Sikh War,[6] a brigade of irregular troops was raised for police and general duties on the Satlej frontier, and to it was added the Corps of Guides, a mixed regiment of cavalry and infantry, which was incorporated in 1849, after the second Sikh War,[7] in an irregular force, known later as the Panjab Frontier Force, raised and formed for duty in the Panjab and on the North-West Frontier. It consisted at first of three field batteries, five regiments of cavalry, five of infantry, and the Corps of Guides, to which were added shortly afterwards a company of garrison artillery, a sixth regiment of Panjab infantry, five regiments of Sikh infantry, and two mountain batteries, and in 1876 all its artillery was converted into mountain batteries. This force, which did excellent service against the mutineers in 1857 and 1858, remained under the control of the local government of the Panjab for many years before it was placed under that of the commander-in-chief.

A local force was raised after the annexation of Nagpur in 1854, and the Oudh Irregular Force after the annexation of Oudh in 1856, but the former disappeared in the Mutiny, and the latter was broken up shortly after it.

The history of the great Mutiny of the Bengal army, which raged for nearly two years, is recorded in the following chapter. The ineptitude of senile and incompetent officers, and the pathetic con-

[1] Burton, *History of the Hyderabad Contingent*, chap. IV.
[3] See vol. V, pp. 377–9.
[4] Vol. V, pp. 495–521.
[6] *Idem*, pp. 548–53.
[7] *Idem*, pp. 555–7.

fidence of old colonels, in whom *esprit de corps* was so strong that even while regiments lying beside their own were butchering their officers they refused to believe in the possibility of treason in their own men, made the tragedy more ghastly than it need have been. The demoralisation of the Bengal army was due to more than one cause. The great additions recently made to the Company's dominions demanded for the administration of the newly acquired territory, and for the irregular troops and police required for its defence and for the maintenance of peace and order, a far larger number of British officers than the civil service could provide, and the principal source of supply was the Bengal army. Those to whom the government of the new territories was entrusted refused to be satisfied with any but the most active and zealous officers whom the army could supply, and the army was thus deprived of the services of a large number of its best officers, the insufficient number left for regimental duty consisting, to some extent, of the Company's bad bargains. Another reason for the decay of discipline was the system of promotion, which was regulated solely by seniority, so that many failed to reach commissioned rank before the time when, in the interests of the service, they should have been superannuated, and were inclined to regard their promotion rather as a reward for long service than as admission to a sphere of more important duties. In the Madras and Bombay armies seniority, as a qualification for promotion, was tempered by selection, and the British officers refused to pander to the caste prejudices of their men to the same extent as the British officers in Bengal. Partly for these reasons, and partly owing to their dislike of the Bengal army and its airs of superiority, these armies remained faithful; and the irregular forces of the Panjab joined with glee in crushing the "Pandies", as the mutineers were called, from Pande, one of the commonest surnames among the Oudh Brahmans, which had been borne by a sepoy who had shot the adjutant of his regiment at Barrackpore, a few months before the Mutiny broke out.

CHAPTER X

THE MUTINY

"I WISH", wrote the late Lord Cromer, "the younger generation of Englishmen would read, mark, learn and inwardly digest the history of the Indian Mutiny; it abounds in lessons and warnings."

During the generation that preceded the Mutiny various influences were weakening the discipline of the sepoy army in the presidency of Bengal, and awakening discontent, here and there provoking thoughts of rebellion, in certain groups of the civil population. In considering the measures that produced these results it should be borne in mind that the mere fact of their having caused discontent does not condemn them. While some were injudicious, others were beneficial, and some helped also to minimise the disturbances to which discontent gave rise.

In the settlement of the North-Western Provinces, by which arrangements were made for the collection of the revenue, the responsible officers, anxious to promote the greatest happiness of the greatest number, decided that the agreement should be concluded, not with middlemen, but with the actual occupants of the land, who were generally either single families or village communities. Accordingly they deprived the talukdars, through whom the native government had collected the revenue, and who were really the territorial aristocracy, of the right of settling for any land to which they could not establish a clear proprietary title. At the same time holders of rent-free tenures, many of which had been fraudulently acquired before the Company's government was established, were required to prove the original validity of their titles; and since even those whose estates had been obtained honestly were unable to produce documentary evidence, the tenures were for the most part abolished, and the revenue was augmented for the benefit of the government.[1] The sale law, under which the estates of proprietors were bought by speculators who were strangers to their new tenants, aroused no less bitterness; and under Dalhousie the policy of resumption was developed. In Bombay, for instance, the Inam Commission enquired into a large number of titles to land and resumed a large number of estates.[2]

In 1853 an event occurred which provoked resentment that was not immediately manifested. Baji Rao, the ex-Peshwa with whom Wellesley had concluded the Treaty of Bassein, died, and his adopted son, Nana Sahib, demanded that his pension should be continued to

[1] Cf. pp. 80–4, *supra*.

[2] Cf. Baden Powell, *Land Systems of British India*, III, 302 *sqq*.

him. In accordance with the terms of the original agreement the demand was rejected, although the Nana was allowed to retain rent free the Peshwa's landed estate.

The annexations which Dalhousie carried out under the title of lapse, and by which he not only consolidated the empire, strengthened its military communications, and increased its resources, but also benefited millions who had suffered from misgovernment, caused uneasiness to many who had submitted without any sense of injustice to annexation that had followed conquest, and in one case provoked passionate indignation. Under this right, Dalhousie annexed Satara, Nagpur, Jhansi, and several minor principalities. The annexation of Oudh was of a different kind. Misgovernment so scandalous that even Colonel Sleeman and Henry Lawrence, those sympathetic champions of native rulers, urged that the paramount power should assume the administration, impelled the Board of Control and the court of directors to insist upon a peremptory course which Dalhousie, remembering the fidelity of the king of Oudh, was reluctant to adopt. He urged that merely to withdraw the British troops by whose support the king had been maintained upon the throne, on the ground that he had not fulfilled the conditions of the treaty concluded by Wellesley, would compel him to accept a new treaty which should provide for the administration by British officers in his name; the directors decided that he should be required to accept such a treaty with the alternative of submitting to annexation. As he rejected the proffered treaty, which, while it vested the government in the Company, guaranteed to him the royal title, an adequate pension, and maintenance for all collateral branches of his family, Oudh was forthwith annexed. Though Muhammadan pride was doubtless offended, such discontent as the annexation aroused mattered little in comparison with the manner in which it was carried into effect. Perhaps it was of no great moment that the revenues of the province were not exclusively appropriated, as Sleeman and Lawrence had recommended, to the benefit of the people and the royal family; nor would it be just to blame Dalhousie because he decided that the provisional settlement of the revenue should be made with the actual occupants of the soil, and because the talukdars, although their claims were for the most part examined with scrupulous fairness, resented the decisions that compelled them to surrender their villages, and the restraint that forced them to cease from controlling their neighbours. What did cause indignation was that after the departure of Dalhousie, orders which he had given were disregarded. For more than a year no allowances were paid to the king's stipendiaries, among whom were some of his relations; the officiating chief commissioner took possession of a palace which had been expressly reserved for the royal family; the officials employed by the late court were excluded from pensions; the disbandment of the king's army had thrown professional

soldiers upon the world with inadequate means of support; and in many cases the demands of the settlement officers were excessive. Nothing was done to guard against the disturbances which administrative changes might produce. Although Dalhousie had resolved to disarm the country and raze every fort, his successor did nothing,[1] and supposed that one weak regiment of infantry and one battery of artillery would be sufficient to keep the peace.

More provocative than settlements and annexations were other measures by which Dalhousie endeavoured to confer upon India the benefits of Western civilisation. In the railways which he began to construct, the telegraph wires by which he connected Calcutta with Peshawar and Bombay, and Bombay with Madras, the canal which he linked to the sacred stream of the Ganges, Brahmans fancied that sorcery was at work. The more conservative elements of native society suspected the European education by which he hoped to enlarge the minds of the young, but by which the priests felt that their power was endangered; and laws such as that permitting the remarriage of Hindu widows, which he contemplated and which his successor passed, gave deep offence.

Since it is impossible to describe by any comprehensive generalisation the sentiments of a vast heterogeneous population, divided into numerous groups, the respective characteristics of which were more dissimilar than those of the peoples of Europe, let us approach the subject from different points of view. The Hindus, except in so far as they had been offended by the measures of Dalhousie, were not antagonistic to the government on the score of religion. While some Muhammadans admired the strength and the justice of British rule, others—notably the Wahabis—resented the loss of the supremacy which their forefathers had enjoyed, and hoped to destroy as enemies of Islam the aliens who had seized it. The mercantile and shopkeeping classes, indeed all who knew that their position and prosperity were staked upon the continuance of orderly rule, were disposed to support the British Government so long as it could keep the upper hand and secure to them the enjoyment of their gains. The magnates who had lost their lands were naturally resentful. The countless millions who lived by tilling the soil did not care what government might be in power, if it protected them and did not tax them too heavily; but in some districts, especially in Bengal, they had suffered so much from the venality of the police and the harpies who infested the courts of justice that they were ill-disposed. In some parts of the peninsula, notably in the Panjab and Rajputana, the people were aware that they had profited by British rule. Ponder these words of Sir John Strachey:

> The duty was once imposed upon me of transferring a number of villages which had long been included in a British district to one of the best governed of the native

[1] Lee-Warner, *Dalhousie*, II, 338–9; Baird, *Private Letters of Dalhousie*, pp. 401–3.

states. I shall not forget the loud and universal protests of the people against the cruel injustice with which they considered they were being treated. Everyone who has had experience of similar cases tells the same story. Nevertheless I cannot say that our government is loved; it is too good for that.

Reforms which interfered with native usages were resented as meddlesome. Differences of colour, of religion, of custom, and of sympathies separated the masses, which differed so widely among themselves, from the ruling class. It is true that the more thoughtful acknowledged that the British government was juster, more merciful, and more efficient than any that had preceded it: but still many thought regretfully of the good old times, when, if there had been less peace, there had been more stir, more excitement, and a wider field for adventure; when, if there had been less security for life and property, there had been more opportunities for gratifying personal animosities and making money; when, if taxation had been heavier, there had been some chance of evading it; when, if justice had been more uncertain, there had been more room for chicanery and intrigue. The rulers did not conceal their sense of racial superiority, and the French critic who described their administration as "just, but not amiable" probed a weak spot. Though the examples of Henry Lawrence, and John Nicholson, and Meadows Taylor, prove that individuals could win personal loyalty and even devotion, there was no real loyalty, except in the rare instances of such men as the illustrious Muhammadan, Sayyid Ahmad Khan, towards the alien government. For efficiency was not enough to keep India contented; and since, as Lord Cromer wrote, the Englishman is

always striving to attain two ideals, which are apt to be mutually destructive—the ideal of good government, which connotes the continuance of his own supremacy, and the ideal of self-government, which connotes the whole or partial abdication of his supreme position—

there were Anglo-Indian statesmen, even before the Mutiny, who desired to associate Indians with British rule. As early as 1818 Lord Hastings looked forward to a

time not very remote when England will...wish to relinquish the domination which she has gradually and unintentionally assumed over this country, and from which she cannot at present recede;[1]

a few years later Sir Thomas Munro declared that eventually it would "probably be best for both countries that the British control over India should be gradually withdrawn";[2] and Dalhousie, the most autocratic of governors-general, urged in vain that parliament should authorise him to nominate an Indian member to his legislative council.[3] Sayyid Ahmad Khan, one of the wisest of Muhammadans, afterwards declared that the absence of such members, who would have kept their colleagues in touch with popular sentiment, prevented the

[1] *Private Journal*, II, 326. [2] Gleig, *Life of Munro*, III, 388.
[3] Lee-Warner, *op. cit.* II, 232.

government from knowing that laws which they enacted were mischievous, and that their motives would be misunderstood.[1] The antagonism aroused by the ever-increasing pressure of Western civilisation during the period of Dalhousie's rule was little realised.

This antagonism, however, would never have provoked serious disturbances so long as the sepoy army remained under control. Even in earlier days isolated mutinies had occurred in consequence of the credulity that dreaded attacks upon caste and religion. The *moral* of the force was gradually weakened when the best British officers were allured from regimental duty by the prospect of political employ and, in consequence of the centralisation of military authority, commandants were deprived of powers which they had exercised in the days of Malcolm. But it was from the time of the Afghan War that native officers, who understood the feelings of their men, dated the deterioration which made even optimists anxious. Hindus were prevented by the cold climate from bathing as their religion enjoined, obliged to eat food and to drink water which they regarded as impure, and compelled on returning to India to pay for readmission to the caste which they had thus lost; Muhammadans were offended by being obliged to fight against men of their own creed; and all alike, affected by the calamities of the war, lost their traditional faith in the invincibility of their leaders.[2] The sepoys, indeed, fought well in Sind and in the two Sikh wars, though in the second the disorderly conduct of certain Bengal regiments astonished a competent observer; but the general cessation of fighting that followed the annexation of the Panjab left a mercenary army idle, restless, conscious of power, and ripe for mischief; and discontent, caused by the withdrawal of pecuniary allowances granted for extraordinary service, led to individual outbreaks.[3] Dalhousie was well aware of this deterioration. "The discipline of the army", he wrote to the president of the Board of Control, "from top to bottom, officers and men alike, is scandalous."[4] Unprejudiced observers urged that in each regiment men of different races should be enlisted, so as to lessen the risk of mutinous combination; but, as John Lawrence afterwards wrote, "Reform was impracticable, for the officers would not admit that any was necessary, and nobody not in the army was supposed to know anything about it". "The Bengal army", as the same authority remarked, "was one great brotherhood, in which all the members felt and acted in union." Recruited for the most part from Oudh and the North-Western Provinces, they shared the discontents of the civil population. The predominance of men of high caste or, at least, the deference that was yielded to their prejudices, was fatal to discipline. A native officer of low caste might often be seen crouching submissively before

[1] *Causes of the Indian Revolt*, pp. 11–12.
[2] Cf. Holmes, *Indian Mutiny*, pp. 55–6.
[3] *Idem*, pp. 57 *sqq*.
[4] Cf. Lee-Warner, *op. cit.* II, 257 *sqq.*; also Baird, *op. cit.* pp. 168, 355.

the Brahman recruit whom he was supposed to command; but men of low caste who would have been glad to serve were often rejected. "High caste—that is to say mutiny", wrote Sir Charles Napier, who warmly praised the sepoys of the Bombay and Madras presidencies, "is encouraged"; "some day or other", he prophesied of Delhi, "much mischief will be hatched within those walls, and no European troops at hand. I have no confidence in the allegiance of your high-caste mercenaries".[1] The disproportion between the numbers of the British and the native troops was glaring. At the close of Dalhousie's administration the latter amounted to two hundred and thirty-three thousand, the former, who, moreover, were so distributed that their controlling power was impaired, to less than forty-six thousand, and the disproportion was increased in the same year in consequence of the Persian War. Dalhousie, pointing out that the Crimean War had begotten rumours injurious to British prestige, pleaded earnestly for a diminution of the native and a corresponding increase of the British troops; but for more than two years his suggestions were not brought formally under the notice of the directors.[2]

Another reform, which Dalhousie had planned and his successor carried out, intensified the fears which the Bengal army had long felt for their caste. Six regiments only were liable for general service, of which three were in 1856 quartered in Pegu. Two were entitled to be relieved within a few months; but none of the other three was available. It was therefore impossible under the existing regulations to send regiments by sea to the Burmese coast, and the overland route was in part impassable. The Madras army was enlisted for general service; but the presidency was unwilling to arouse discontent among its own troops by calling upon them to garrison a country which lay properly within the sphere of the Bengal army. Confronted by necessity, the governor-general issued a general order, decreeing that no recruit should thenceforward be accepted who would not undertake to go whithersoever his services might be required. "There is no fear", he wrote a few months later, "of feelings of caste being excited by the new enlistment regulations";[3] but, being a new-comer, he did not realise that the Bengal army was a brotherhood, in which military service was hereditary. Recruiting officers complained that men of high caste, whose religious scruples were aroused by the thought of being liable to cross the sea, had begun to shrink from entering the service which their fathers and their brethren had flocked to join, and old sepoys were whispering to each other their fears that the oaths of the new recruits might be binding also upon themselves. Two other changes, apparently trivial, increased the prevalent discontent. Sepoys declared unfit for foreign service were no longer to

[1] *The Times*, 24 July, 1857, and *History of the Siege of Delhi by an Officer who served there*, p. 10 n.

[2] Lee-Warner, *op. cit.* II, 285.

[3] Holmes, *op. cit.* p. 76.

be allowed to retire on pensions, but to be employed in cantonment duty, and all sepoys were thenceforth to pay the regular postage for their letters instead of having them franked by their commandant. The men were now in a mood to believe any lie that reflected discredit upon the government. Seeing that the warlike Sikhs were favoured by the recruiting sergeants, they fancied that a Sikh army was to be raised to supersede them. Agitators assured them that Lord Canning had been sent to India to convert them, and pointed to the General Service Enlistment order as the first step. A manifesto recently published by missionaries was interpreted as an official invitation to embrace Christianity, and when the lieutenant-governor of Bengal issued a reassuring proclamation, the bigoted Muhammadans of the Patna division refused to believe him.[1] Certain British officers, indeed, preached the Gospel to their men with the enthusiasm of Cromwell's Ironsides, and incurred the displeasure of government by their proselytising zeal.[2] Meanwhile the Nana Sahib, dilating upon the annexation of Oudh, was trying to stir up native chieftains against the British, and there is reason to believe that he and other disaffected princes had long been tampering with the sepoys.[3] British officers, who no longer kept native mistresses, knew little of what was disturbing the minds of their men; but even in the Panjab rumours were current of approaching mutiny. Finally, an old Hindu prophecy was circulated; in 1857, the centenary of Plassey, the Company's rule was to be destroyed.[4]

The incident that precipitated the Mutiny is known to all the world. One day in January, 1857, a lascar at Dum-Dum, near Calcutta, asked a Brahman sepoy to give him some water from his drinking cup. The Brahman refused, saying that the cup would be contaminated by the lips of a low-caste man: the lascar retorted that the Brahman would soon lose his caste, for cartridges, greased with the fat of cows or swine, were being manufactured by the government, and every sepoy would be obliged to bite them before loading his rifle. It needs a sympathetic imagination to gauge the shock under which the mind of that Brahman reeled. Greased cartridges had been sent to India from England four years before. The adjutant-general of the Bengal army warned the board, which was then vested with military authority, that none should be issued to native troops until it had been ascertained that the grease was inoffensive; but the warning was neglected. The cartridges were issued to certain regiments, merely to test how the climate would affect the grease, and were accepted without demur. In 1856 similar cartridges, to be used with the new Enfield rifle, began to be made up in India, and Brahman workers handled the grease

[1] Kaye, *Sepoy War* (ed. 1872), I, 472–3.

[2] Cf. Canning to Granville, 9 April, 1857 (Fitzmaurice, *Life of Granville*, I, 245); also *Memorials of Sir H. B. Edwardes*, II, 251 n.; Holmes, *op. cit.* p. 78.

[3] Kaye, *op. cit.* I, 579.

[4] Holmes, *op. cit.* p. 79. Cf. Meadows Taylor, *Story of my Life* (ed. 1920), p. 340.

without complaint; but, after the lascar blurted out his taunt, no cartridges greased either with beef-fat or with lard were ever issued to any sepoys, except to one Gurkha regiment, at their own request.

Nevertheless the delusion, due to the neglect of the adjutant-general's warning, was ineradicable.[1] The story rapidly spread. The Brahmans of Calcutta and the agents of the king of Oudh, who was living in the suburb of Garden Reach, eagerly turned it to account.[2] The responsible officer at Dum-Dum promptly reported it, and General Hearsey, commanding the presidency division, appended to the report a recommendation that the sepoys at Dum-Dum, where alone the new cartridges were immediately to be issued, should be allowed to grease their own; but in consequence of official delay, he was not informed of the approval of his suggestion until 28 January, and by that time the sepoys at Barrackpore, convinced that the story was true, were setting fire to officers' bungalows. The governor-general directed that greased cartridges might be issued at rifle depôts, provided that the lubricant were composed only of mutton-fat and wax; but it soon became evident that such precautions were futile. On 26 February the 19th Native Infantry at Berhampore, whose suspicions had been allayed by the explanation of their commandant, took alarm on hearing from detachments of the 34th, which had been foolishly allowed to march thither from Barrackpore, that the lascar had told the truth, and refused to receive their percussion caps for the next day's parade. The commandant, instead of explaining the unreasonableness of their fears, threatened them with condign punishment, but, having no means of enforcing his threat, was obliged to forgo the parade. The men continued to perform their ordinary duties; but their disobedience could not be ignored, and, as it was impossible to punish it without British troops, the governor-general sent for the 84th Regiment from Rangoon. Meanwhile the sepoys at Barrackpore were becoming more and more excited. Though they had been allowed to grease their own cartridges, they fancied that the cartridge paper must contain objectionable fat, and when, after analysis, it was declared to be harmless, they refused to credit the report. Hearsey, who thoroughly understood the sepoys' mentality, tried in vain to convince them that there was nothing to fear. Canning accepted a suggestion that they should be allowed to avoid tasting the paper by pinching off the ends of the cartridges; but, as might have been expected, the concession was useless. Hearsey had thoughtlessly told the 34th that the mutinous 19th was to be disbanded, and they disregarded his assurance that no punishment was in store for them. On 29 March a sepoy named Mangal Pandy murderously attacked the adjutant; while others belaboured their officers with the butt-ends of their muskets, one alone came to the rescue; and the

[1] Cf. Kaye, *op. cit.* I, Appendix, Addendum.
[2] *Idem*, I, 493.

mutiny was quelled only by the prompt intervention of Hearsey. Next day, British troops having at length arrived, the 19th was disbanded at Barrackpore, and cheered the old general as they marched away; but the 34th, whose offences had been far graver, were differently treated. Though Mangal Pandy was executed after the lapse of ten days, the men who had struck their officers were left unpunished for five weeks. The governor-general, fearing that prompt retribution would intensify the mutinous temper of the army, wasted several days in discussing with his council the justice of inflicting punishment, and finally, when the remonstrances of General Anson, the commander-in-chief, impelled him to come to a decision, spent four more days in weighing the claims of individuals to mercy.

Meanwhile the news of the growing unrest was awakening Muhammadan fanaticism at Delhi, where there were no British troops. It was believed that Russian invaders would soon expel the British from India, and the titular king's courtiers looked forward to a general mutiny which would restore his sovereignty.[1] At Ambala, where the native officers in the school of musketry, though they avowed that they and their men were satisfied that the cartridges were harmless, begged to be excused from using them lest they should be treated as outcasts, the decision that they must be used was followed by incendiarism; and at Lucknow an irregular regiment broke into open mutiny.

On 6 May the mutinous 34th was disbanded. Stripped of their uniforms, the men trampled under foot their caps, which, as they had paid for them, they had been allowed to retain, and left the parade ground in a bitter mood. When the order for their disbandment was read aloud at the military stations in Northern India, the sepoys, on learning that the crime, so solemnly denounced, had been punished not by death, but by mere dismissal, did not conceal their contempt for the government.

"Lord Dalhousie", said the late Marquess of Tweeddale, who had served under him, "would have stopped the Mutiny." If the judgment was hasty, it pointed to an opinion which unprejudiced observers deliberately formed. Endowed with many noble qualities, Canning lacked robustness of character. He could never decide, even on the most urgent questions, until he had anxiously investigated every tittle of evidence: his conscientiousness degenerated into scrupulousness; and he was more ready to take precautions against injustice to the innocent than to punish the guilty. While he was trying to coax the sepoys into obedience, he failed to see that to reason away each successive development of morbid fancy would only stimulate its fertility. But he was about to receive a rude awakening.

At Meerut, some forty miles north-east of Delhi, two regiments of native infantry and one of native cavalry were quartered, together

[1] Holmes, *op. cit.* p. 91.

with a battalion of the 60th Rifles, a regiment of dragoons, a troop of horse artillery, and a light field battery—the strongest British force at any station in the North-Western Provinces. On 23 April Colonel Smyth, of the native cavalry, one of the few British officers who had discerned the growing disloyalty of the Bengal army, ordered a parade of the skirmishers of his regiment for the following morning, intending to take advantage of the order for pinching off the ends of the cartridges to give a final explanation to the men. The cartridges that were to be issued were of the kind which they had long used. Smyth explained that the order had been framed in consideration for their scruples; but of ninety skirmishers five only would even touch the cartridges. Smyth broke off the parade and ordered a native court of enquiry to assemble. It appeared from their report that the mutineers had been influenced not by suspicion of the cartridges, but by fear of public opinion. By order of the commander-in-chief they were tried by a native court-martial and sentenced to ten years' imprisonment, half of which was remitted in favour of the younger men by General Hewitt, the commander of the division. On Saturday, 9 May, the mutineers' sentences were published in the presence of the whole brigade. As the men were being led away, they yelled out curses at their colonel; but the jail was left without a British guard. During the rest of the day there was extraordinary stillness in the quarters of the native troops. A native officer reported to an English subaltern that the men were determined to release their comrades; but the colonel and the brigadier, Archdale Wilson, ridiculed the story. On Sunday evening the British battalion was assembling for church parade when a cry was raised, "The Rifles and Artillery are coming to disarm all the native regiments", and an outbreak was precipitated, which had not been definitely pre-arranged. Some hundreds of the troopers broke open the jail and released the prisoners. Smyth, thinking that it was his duty to warn Hewitt and Wilson, never went near his regiment; but Captain Craigie and Lieutenant Melville Clarke brought their own troops to the parade-ground in perfect order. The infantry regiments were listening quietly to the remonstrances of their officers when a trooper, galloping past, shouted that the Europeans were coming to disarm them; the colonel of the 11th was shot dead by men of the 20th; and the two regiments, joined by swarms of budmashes, dispersed to plunder and to slay. An officer rode to the telegraph office to warn the authorities at Delhi, but found that the wire had been cut. Hewitt, an infirm old man, did nothing. Wilson sent the dragoons, who were hastening to charge the mutineers, on a futile errand to the jail, and when, at the head of the artillery and the rifles, he reached the infantry lines, he found that the sepoys were not there.[1]

[1] Holmes, *op. cit.* pp. 96 *sqq.* and references there cited. Cf. Wilson's letters to his wife, *ap. Journal of the United Services Institution of India*, 1923.

On the morning of 11 May the cavalry rode into Delhi, entered the precincts of the palace, where they were joined by the king's dependents, and, after releasing the prisoners in the jail, proceeded with the infantry, which presently followed them, to murder every European whom they met and to fire every European dwelling which they passed. In the telegraph office, outside the city, two young signallers, hearing the uproar and being informed by native messengers of the atrocities that were being enacted, found time before they escaped to warn the authorities of the Panjab. The officer in charge of the magazine, after defending it for three hours, finding that he could no longer repel his assailants, blew up the stores of ammunition which it contained and destroyed some hundreds of mutineers; but the brigadier, without a single company of British soldiers, could effect nothing. One of his three regiments, indeed, remained respectful: but the others were mutinous; several officers were murdered; and at sunset, after he had waited vainly for succour from Meerut, he was compelled to retreat with the surviving officers and those women and children who were in his charge. The miseries suffered in that flight hardened British hearts to inflict a fierce revenge; but the survivors told with gratitude of kindness shown to them in their distress by Hindus through whose villages they had passed.[1]

Two days after the seizure of Delhi the governor-general received the news. Immediately he sent for all the reinforcements within his reach, and empowered his trusted lieutenants, Henry and John Lawrence, to act as they might think best in Oudh and the Panjab; but, deluded by telegrams from the lieutenant-governor of the North-Western Provinces, who predicted that in a few days all danger would be over, he rejected an offer from the governor of Bombay to send a steamer to England with dispatches. The commander-in-chief, who, like almost everyone else, had failed to understand the earlier symptoms of mutiny, and was therefore unprepared, found himself hampered by want of transport and of stores. John Lawrence implored him to free himself for action by disarming the regiments at Ambala, and then to strike a decisive blow at Delhi; but, though the civil officers in the Cis-Satlej states, aided by loyal Sikh chieftains, collected carriage and supplies, he thought it best to wait for reinforcements. At length, overruled by the insistence of the governor-general, he moved from Ambala to Karnal, intending to march thence on 1 June; but on 27 May he died of cholera.

Sir Henry Barnard, who succeeded to the command of the army assembled at Karnal, marched immediately for Delhi. Brigadier Wilson, who had already left Meerut in obedience to Anson, was expected to join him. For more than a fortnight the force which he commanded had remained inactive. Hewitt had made no attempt to re-establish British authority; and the villagers in the surrounding

[1] Holmes, *op. cit.* pp. 104 *sqq.* and references there cited.

country, believing that every Englishman in Meerut had perished, relapsed into anarchy. Wilson twice defeated mutineers who had advanced from Delhi to oppose him, and on 7 June, reinforced by a Gurkha battalion, joined Barnard, whose troops had avenged the sufferings of British fugitives by many cruel deeds, a few miles north of the city. Next day the mutineers, who had occupied a strong position on the north-western outskirts, were again defeated; and the victors, encamping on the Ridge, looked down upon the high wall, with its bastions and massive gates, which encompassed the imperial city, the white marble dome and tall minarets of the Jamma Masjid, the lofty red walls and the round towers of the palace overhanging the sparkling waters of the Jumna. They had boasted that they would recapture Delhi on the day of their arrival; but on the Ridge they were to remain for many weary weeks. To understand what they achieved and suffered, it is necessary to trace the outline of events in other parts of the peninsula.

The effects of the outbreak at Meerut had been instantly felt in the Doab—that part of the North-Western Provinces which extended between the Jumna and the Ganges. After Wilson marched to join Barnard, the only British troops available were one regiment and one battery at Agra, the headquarters of the government. The lieutenant-governor, John Colvin, who, on hearing the news of the seizure of Delhi, proposed to take refuge in the fort, was soon persuaded that there was no real danger. His subordinates, however, were becoming convinced that, although he had proved himself an excellent administrator in times of peace, he lacked the qualities required to cope with difficulties which it was impossible wholly to overcome.[1] After a succession of mutinies in outlying stations he issued a proclamation, for which Canning ordered him to substitute another, more precisely worded, promising lenient treatment to all mutineers who would give up their arms, except those who had instigated revolt or taken part in the murder of Europeans; but it was answered by another mutiny, and on the following day, yielding to the magistrate, he ordered the native regiments at Agra to be disarmed. Had he done so a fortnight earlier, a wing of the British regiment would have been set free, and much disorder might have been prevented. The infection had already spread to Rohilkhand. Before the end of the first week in June every regiment in that division had mutinied; many Europeans had been murdered; Khan Bahadur Khan, a Muhammadan pensioner of the government, had proclaimed himself the viceroy of the king of Delhi; and as he was not strong enough to keep the peace, anarchy was rampant.

The history of the Mutiny in the Doab and in Rohilkhand furnishes the most important evidence for determining the nature of the rising. The hesitating demeanour of many mutineers, the practical loyalty

[1] Holmes, *op. cit.* pp. 568–73. But cf. Colvin, *Life of J. R. Colvin*, pp. 190 *sqq.*

of others, which cannot be explained away on any theory of dissimulation, up to the very day of mutiny, the fact that few detachments committed themselves until the news that others had done so or the infection of civil disturbances overcame their fidelity, and that sometimes a mere accident occasioned the outbreak, prove that, however carefully the ringleaders may have endeavoured to secure concerted action, the movement was most imperfectly organised. "Sir", said a loyal Brahman sepoy to a British officer, "there is one knave and nine fools; the knave compromises the others, and then tells them it is too late to draw back."

Historically, however, it is more important to learn how the civil population acted than to analyse the phenomena of the Mutiny itself. When the defection of the Bengal army threatened the raj with destruction, Hindus and Muhammadans alike, though, notwithstanding their grievances, they acknowledged its benevolence, justice and efficiency, relapsed into the turbulent habits of their ancestors. Rajas summoned their retainers and proclaimed their resolve to establish their authority as vassals of the king of Delhi. Muhammadan fanatics waved green flags and shouted for the revival of the supremacy of Islam. Rajputs and Jats renewed old feuds and fought with one another to the death. Gujars robbed the mail-carts, plundered peaceful villages, and murdered the villagers. The police, who had generally been recruited from the dangerous classes, felt that nothing was to be gained by supporting a doomed government, and joined the criminals. Dispossessed landowners assembled their old tenants, and hunted out the speculators who had bought up their estates. Insolvent debtors mobbed and slaughtered the money-lenders. Sati and other barbarous customs revived. Public works ceased; civil justice could only be administered in a few favoured spots; education was either stopped or frequently interrupted. In short, excepting the summary administration of criminal justice and a partial collection of the revenue, the organism of government was paralysed.[1]

On the other hand, many landowners were passively, and some few actively, loyal. More than one moulvi had the courage to proclaim that rebellion was a sin, and a fair proportion of Indian officials, some at the cost of their lives, stood resolutely at their posts. Finally, except hardened criminals, hereditary robbers, and those who knew that they could expect no mercy, the people acquiesced readily enough in the re-establishment of regular government.

Much depended upon the protected princes, and fortunately Sindhia, influenced by his prime minister, Dinkar Rao, and the political agent, Charters Macpherson, remained steadily loyal, keeping the Gwalior contingent and his own army, both of which were ripe for mutiny, inactive within his territory. In Rajputana, the inhabitants of which, under loyal native rulers, were generally well-

[1] Cf. e.g. Durand, *Life of Sir A. Lyall*, p. 69.

disposed, the eldest of the famous Lawrence brothers upheld British authority, despite mutinies at Nimach and Nasirabad, throughout the crisis;[1] but at Agra towards the end of June the approach of the mutineers compelled Colvin to remove the English women and children into the fort, where he had hitherto forbidden them to take refuge. Brigadier Polwhele, the military chief, who, believing that the mutineers intended to join their comrades at Delhi, had resolved to remain on the defensive, allowed himself to be persuaded to attack them, and suffered a defeat: but the garrison, thanks to Sindhia and Dinkar Rao, who still contrived to keep their troops inactive, escaped a siege; and throughout the summer volunteers, raised by the magistrate and collector of Meerut, did much to restore order in his district.[2]

Meanwhile important events occurred along the line between Calcutta and Delhi. Fortunately, during the three weeks that followed the outbreak at Meerut, the sepoys remained absolutely passive. But the governor-general, deceived by this lull, failed to take full advantage of it. Rejecting offers made by various bodies to serve as volunteers for the protection of Calcutta, on the ground that "the mischief caused by a passing and groundless panic had already been arrested",[3] he refused to disarm the sepoys at Barrackpore because he trusted the profession of loyalty which they were careful to make, and feared that the troops at other places might be exasperated. Towards the middle of June he found it necessary to authorise both these measures, which, if they had been adopted in time, would have enabled him to send two British regiments to threatened stations. Meanwhile, however, he had been diligently preparing for the arrival of the expected reinforcements; and the undeserved odium which he incurred by the famous "Clemency Order" and various local enactments in no respect weakened his authority.

Fortunately Patna, the most important provincial town in the Presidency of Bengal, was in strong hands. William Tayler, the commissioner, had had a dispute with the lieutenant-governor, Frederick Halliday, who intended to transfer him, on the first colourable pretext, to another post. There was not a single British soldier at Patna, and at Dinapore, only ten miles off, the British regiment was detained by the necessity of watching the sepoy troops, which Canning refused to disarm. A Sikh battalion, which Tayler summoned to his assistance, arrived on 8 June; but the commandant reported that it had been insulted on the march by the rural population. Halliday insisted that a mutiny of the Dinapore sepoys was inconceivable, and General Lloyd, the commander of the division, whom Tayler urged to disarm

[1] Cf. George Lawrence, *Reminiscences*, pp. 278 *sqq*.

[2] Major Williams, *Narrative*, pp. 11, 12, 14; Dunlop, *Service and Adventures with the Khakee Ressalah*.

[3] Cf. *Parl. Papers*, 1857, xxx, 20–3.

them, replied that he could keep them under control. Left to his own resources, Tayler arrested three moulvis, who directed the Wahabis —the most dangerous Muhammadans in the city—knowing that he would thus ensure the obedience of their disciples, and, feeling that he was now master of the situation, required all the citizens to surrender their weapons. A riot which broke out on 3 July was suppressed by the Sikhs, and the ringleaders were hanged.[1] Supported by three Indians, who gave him information which only natives could obtain, Tayler was able to keep order in the city; but the outlying districts were still imperilled. British troops were about to pass through Dinapore; but Canning left Lloyd to decide whether he would use them. Unable to nerve himself to take the decisive step, the latter thought it enough to remove the percussion caps from the magazine, and afterwards, though the British force was then at dinner, ordered the sepoys to surrender those which they carried. They replied by firing on their officers, and, joined by a Rajput noble, Kunwar Singh, who had been ungenerously treated by the Revenue Board of Bengal, made a raid upon Arrah, the chief town of the most turbulent district in the Patna division. The European residents, warned of their approach and reinforced by fifty Sikhs, whom Tayler had sent to their assistance, took refuge in a small building, which had been fortified and provisioned by its provident owner. A force sent by Lloyd to the rescue was ambushed and overwhelmed; but the little garrison continued to repel every attack. Major Vincent Eyre of the Bengal Artillery, who, though he had been ordered to proceed to Allahabad, assumed the responsibility of attempting to succour them, and persuaded the commandant of an infantry detachment to serve under him, defeated the rebels near Arrah, thus not only relieving the garrison, but quelling an insurrection which had threatened the whole of Bengal and restoring the safety of communication between Calcutta and the north-west.[2] Before this success, however, Tayler, foreseeing that if the garrison should be overpowered, the besiegers would overrun the province of Bihar, ordered the district officers at the most exposed stations to withdraw to Patna.[3] Halliday, stigmatising the order as an act of cowardice, dismissed him from his post; but at a later time, while many of the foremost men in India declared their conviction that he had saved Bihar, two ex-members of Canning's council, retracting the censure which they had joined in passing upon him, added their testimony to the value of his services, and the chief of the three moulvis whom he had arrested was sent to the Andaman Islands as a convicted felon. While Tayler was crushing rebellion in Bihar, the valley of the Ganges was in peril. In Benares, as dangerous a stronghold of Brahminical as Patna of Muhammadan fanaticism,

[1] Tayler, *Thirty-eight Years in India*, II, 237 *sqq.*
[2] Holmes, *op. cit.* pp. 195 *sqq.* and references.
[3] Tayler, *op. cit.* II, 242 *sqq.*

there were only thirty English gunners to watch the 37th Native Infantry, a regiment of Irregular Cavalry, and the Ludhiana Sikhs. On 4 June it was known that the sepoys at an outlying station had mutinied, and as a hundred and fifty British soldiers from Dinapore were by this time on the spot, Colonel Neill of the 1st Madras Fusiliers, who had arrived on the previous day with a detachment of his corps, persuaded the brigadier to disarm the Bengal regiment. The affair, for which the brigadier declared himself responsible, was mismanaged. Panic-stricken by the approach of the British troops, the men fired at their officers; the Sikhs, some of whom were disloyal, while the rest were apprehensive of treachery, charged the guns; and a disaster was barely averted by a swift discharge of grape. The sedition that followed in the city was suppressed by the judge, aided by influential Indians; Neill put to death all the mutineers who were caught; and in the surrounding country, which was placed by the governor-general under martial law, rebels, suspects, and even disorderly boys were executed by infuriated officers and unofficial British residents who volunteered to serve as hangmen.

Neill had already pushed on for Allahabad, which, standing at the confluence of the Jumna and the Ganges, commanded the communication between the lower and the upper provinces of Northern India. Yet, though Outram had implored both Canning and Anson to provide for its safety, it had been left without a single British soldier until, after the outbreak at Meerut, sixty invalid artillerymen arrived. On 19 May the 6th Native Infantry volunteered to march against Delhi; on 6 June, after their confiding colonel had read to them a letter in which the governor-general expressed his gratitude for their offer, they mutinied, and murdered five of their officers. Sedition, pillage and arson followed; the railway works were destroyed; and the telegraph wires were torn down. The fort, indeed, was saved by Captain Brasyer of the Ludhiana Sikhs, who, constraining his men, though they had just heard of the slaughter of their comrades at Benares, to support him, disarmed a company, forming part of the garrison, of the regiment that had mutinied; but though a detachment of the Madras Fusiliers arrived on the next day, anarchy was rampant when Neill appeared with forty of his men. Within a week, despite physical prostration, he restored order in the fort, where British volunteers were demoralised by drunkenness, and by ruthless severity suppressed all disturbance in the districts. Conjointly with Brasyer he had saved the most important post between Calcutta and Cawnpore, and converted it into an advanced base. But while he strove to discriminate between the innocent and the guilty, volunteers and Sikhs slaughtered every Indian whom they met, and villages, from which harmless old men and women with infants at their breasts were forced to flee, were remorselessly burned. The Old Testament was then revered, and Neill, who was preparing to dispatch a column to Cawnpore under

Major Renaud of the Madras Fusiliers, gave him instructions (which Havelock approved) in the spirit of Joshua.[1]

The garrison of Cawnpore consisted of four sepoy regiments, with which were associated fifty-nine British gunners and a few invalids. Sir Hugh Wheeler, who commanded the division, determined immediately after the outbreak at Meerut to secure a refuge for the non-combatants. The only defensible position was the magazine, a strong roomy building, protected on its northern side by the Ganges; but Wheeler decided against it on the ground that before he could occupy it he would be obliged to withdraw its sepoy guard, which might precipitate a rising. The sepoy regiments, if they mutinied, would, he believed, hasten at once to Delhi, and, at the worst, he would only have to repel a mob of budmashes before succour should arrive. It is probable that, if he had waited for reinforcements, which he was soon to receive, he could have occupied the magazine without resistance; but he contented himself with throwing up an entrenchment, which any active lad could leap over, near the north-eastern corner of the town. On 4 June the native cavalry, followed by the 1st Infantry, mutinied. Next day, the 56th was persuaded to join them. The bulk of the 53rd was still standing its ground when Wheeler impulsively ordered his artillery to fire, and all but eighty, who to the last remained faithful, fled. The Nana Sahib, whose palace was near Cawnpore, promised to lead the mutineers to Delhi, but, influenced by one of his advisers, persuaded them to remain and besiege the entrenchment.

For three weeks the little garrison—some four hundred English fighting men, more than seventy of whom were invalids, with the faithful sepoys, defended their women and children against a continuous fire, enduring hunger, thirst, exposure to the midsummer sun, the torture of wounds for which they had no remedy, and, finally, despair. On the seventh day and on the centenary of Plassey the besiegers attempted an assault, but were resolutely repelled. Two days later the Nana offered a safe passage to Allahabad to every member of the garrison "who had not been connected with the acts of Lord Dalhousie". Wheeler reluctantly accepted the offer. Next day terms of surrender were arranged, including a proviso that the defenders should be allowed to retain their arms; but the guns were to be delivered over to the enemy. On the morning of the 27th a wan and ragged company quitted the entrenchment, and, surrounded by a great crowd of onlookers, proceeded to embark on thatched barges, which the Nana had provided. Tantia Topi, his trusted counsellor, superintended the arrangements.

Immediately afterwards the thatch, strewn with glowing cinders, burst into flame; grape-shot and bullets, fired by sepoys who had been posted behind cover, poured into the throng; troopers rode into the water and sabred the women. Suddenly a messenger from the Nana

[1] Cf. Kaye, *op. cit.* II, 268 n.

ordered that no more women or children were to be killed, and the survivors, a hundred and twenty-five, were dragged back to the town. The only boat that escaped, without oars, rudder, or food, was fired upon by sepoys who moved along the bank. On the third day it drifted into a side current. Descrying villagers and sepoys about to attack them, two officers, a sergeant, and eleven privates leaped ashore, scattered the crowd, and fought their way back—to find that the boat had drifted far away. The officers, Mowbray Thomson and Delafosse, who with two privates alone survived the ordeals of that day, found shelter, after swimming six miles, with a friendly raja of Oudh. The boat was overtaken, and the passengers—wounded men, women and children—were brought back to Cawnpore. The women and children were incarcerated in one building with the hundred and twenty-five who had survived the first massacre; the men were put to death. A few days later the captives were transferred to a small house called the Bibigarh, where, with fugitives from the Doab, whose companions had been already slain by order of the Nana, they were subjected to the grossest indignities. On 15 July the Nana heard that his troops had been defeated by an avenging army. The few men who had been suffered to live thus far were instantly killed in his presence; the women and children, after sepoys had refused to shoot them, were hacked to death by a band of ruffians. Perhaps, as it has been alleged, he was persuaded by a woman in his zenana to permit the final massacre; at all events it is probable that revenge for the cruelties committed by Englishmen and Sikhs at Benares, at Allahabad, and on Renaud's march, was one motive for the tragedy of Cawnpore.[1]

Throughout the Mutiny Cawnpore was linked closely with Lucknow, the capital of Oudh. Sir Henry Lawrence, who had been appointed chief commissioner in January, speedily redressed the wrongs committed by his predecessor. He had spent his official life in toiling for the welfare of Indians; his sympathetic nature won their devotion and the love of his own countrymen; and no one was better fitted to prepare for the ordeal which he foresaw. "I have struck up a friendship", he wrote to Canning, "with two of the best and wealthiest of the chiefs, and am on good terms with all." He imprisoned a moulvi, who preached a holy war at Faizabad. But he knew that with the sepoys conflict was inevitable; and a durbar, held in his private garden before he heard of the outbreak at Meerut, in which he exhorted representatives of the sepoy regiments to pay no heed to agitators, and rewarded individuals who had proved their fidelity, was regarded by those who attended it as a sign of fear.

Lawrence intended that the Europeans, in case a siege should become inevitable, should take refuge in the residency and its outlying buildings, which stood on a plateau bounded on the north by the Gumti, a tributary of the Ganges. The roof of the principal

[1] Cf. Holmes, *op. cit.* pp. 227 *sqq.* and references.

edifice commanded a view of the city and its environs. Eastward and westward along the southern bank of the river extended an irregular space, covered by palaces and mosques, surrounded with gardens: beyond them a vast maze of sordid streets stretched southward and eastward as far as a canal, which entered the river three miles east of the residency and was crossed by the Cawnpore road.

Lawrence began his preparations by amending the distribution of the troops. The only British regiment—the 32nd Foot—was quartered in barracks about a mile and a half east of the residency, while five regiments of native infantry and one of cavalry were located at various points within the city and on both sides of the river. On 16 May Lawrence, yielding to the financial commissioner, Martin Gubbins, and the military authorities, moved a detachment of the 32nd to the residency, then at the mercy of a sepoy guard. Next day he transferred the women and children of the regiment to the residency, sent the remaining companies to watch the native troops in a cantonment north of the river, and stationed a corps of Europeans and picked sepoys in the Machi Bhawan, a dilapidated fort, west of the residency, which would overawe the city and might be useful as a temporary post. Two days later, having been invested at his own request with plenary military power, he assumed command of the whole force in Oudh. He had already begun to repair the Machi Bhawan; a few days later he set to work on the residency and its annexes; and soon afterwards the English ladies were warned to take refuge there with their children. Gubbins urged him to disarm the native regiments; but, fearing that to do so would impel the troops at outlying stations to mutiny, and knowing that loyal sepoys would be needed to aid in defending the residency, he refused. On the 30th mutiny broke out in the cantonments north of the city, and three officers were murdered; but more than five hundred sepoys sided with the British; and, although on the next day there was a rising in the city, Lawrence had posted a force to guard the connecting road, and thus prevented the mutineers from abetting the rioters. "We now", he wrote to Canning, "know our friends and enemies."

Nevertheless the mutiny produced disastrous effects. Hitherto the country districts had been tranquil: the courts of justice remained open: and the revenue was punctually paid. But in the first few days of June the sepoys at every station rose. Many officers, many Europeans, were murdered; but many fugitives owed their lives to Indians whose hearts had been won by the sympathy with which Lawrence redressed their wrongs. The talukdars, of course, ejected those upon whom their estates had been bestowed, plundered rich citizens, and wreaked vengeance upon old antagonists; but very few aided the mutineers, and some actually sent supplies to Lawrence for provisioning the residency.

Meanwhile in Lucknow mutineers were being daily hanged, and,

although after the outbreak the Indian merchants no longer carried on business, the administration of justice was not interrupted, and order was fairly well maintained. But under the grievous announcements from the districts Lawrence's health broke down, and he was forced to delegate his powers to a council, of which Gubbins was appointed president. Three days later, hearing with indignation that his colleague was bent upon getting rid of those sepoys who had not yet been disarmed, he resumed his authority, and devoted himself, despite a mutiny of the military police, to the work of strengthening the residency. Gubbins, however, was constantly urging him to attack the rebels assembling in the neighbourhood; and gradually, perhaps subconsciously, he allowed himself to be persuaded.[1] On the last day of June, although his preparations were incomplete, he marched in a north-easterly direction against the advanced guard. Before the march began the British troops who formed a part of his force were exhausted by many days and nights of labour; and they had advanced little more than three miles when the colonel, supported by one of the surgeons, declared that they were unfit to go into action. Brigadier Inglis, to whom this protest had been made, was asked by Lawrence's aide-de-camp whether they could go on, and replied, evasively but significantly, "Of course they could, if ordered". About a mile farther, near the village of Chinhat, they encountered the enemy and suffered an overwhelming defeat, but succeeded, though with the loss of one-third of their number, in reaching the entrenchment. In a scene of terror and confusion the siege began. Next day by Lawrence's order the Machi Bhawan was blown up, and, while the mutineers were plundering the city, the detachment that had occupied it marched noiselessly to reinforce the garrison. On 2 July, while Indian servants, tempted by extraordinary rates of pay, were working feverishly at unfinished bastions and terrified women were praying in their rooms, Lawrence, who, despite his final error, had made a defence possible, was mortally wounded by the bursting of a shell; and two days later, after giving his last instructions to Inglis and imploring him never to surrender, he died, mourned by all.

Less than a thousand British soldiers, aided by about a hundred and fifty civilians and seven hundred loyal sepoys, were now besieged by some ten thousand disciplined troops and a band of talukdars' retainers. Fortunately, the besiegers were under incompetent leaders, whom they treated with contempt. The entrenchment, about a mile in circuit, enclosed detached houses and other buildings, the defences of which—mud banks and trenches, palisades, crows'-feet, and similar obstacles—were still incomplete. On the east, south and west, however, outlying buildings served as a protection against artillery, and made it impossible for storming parties to advance in strength: the one open space where the besiegers could assemble for a general

[1] Cf. Kaye, *op. cit.* III, 669–71.

assault or plant batteries to breach the defences was on the north, where a high bank, scarped and strengthened by a parapet, formed the strongest part of the position. Still, no place within was safe. Though the gunnery of the besiegers was erratic, sharpshooters kept up a galling fire from the surrounding houses. Numerous mines were sunk with the object of breaching the defences; but almost all were stopped or destroyed before they could reach their aim. On 21 July a sepoy pensioner, named Angad, made his way into the entrenchment, and announced that Havelock, having thrice defeated the Nana, was in possession of Cawnpore; but weeks passed away, and the expected relief did not arrive. Three several assaults were vigorously repelled; but the defenders, whose numbers daily diminished, were becoming exhausted by incessant toil, and disease still further wasted their ranks. The chief of the commissariat was disabled; and though there was actually sufficient grain to last for many months, Inglis supposed that the stock was nearly exhausted, and reduced the rations. Towards the end of August Angad appeared with a letter containing the warning that Havelock could not arrive before twenty-five days and the ominous injunction, "Do not negotiate, but rather perish sword in hand". On 16 September, when more than a third of the British soldiers had fallen, he was sent out with dispatches for the last time.[1]

Henry Havelock, who had fought with distinction in Burma, Afghanistan, Gwalior and the Panjab, had abandoned the ambition which he had qualified himself by constant study to fulfil, when, old and physically feeble but in spirit indomitable, he was appointed to command an army for the relief of Cawnpore and Lucknow. A few hours before the siege of the residency began he reached Allahabad. On the same day Renaud started for Cawnpore at the head of the little column which Neill had organised; on 3 July the destruction of Wheeler's force was announced, and a few days later Havelock, with a thousand British soldiers, a hundred and thirty of Brasyer's Sikhs, twenty volunteer troops and six guns, began his march. Charred ruins of forsaken villages, corpses hanging from trees along the road, testified that Renaud had even exceeded his instructions. On the 12th Havelock overtook him; within the next three days, although he was obliged to reinforce Neill with a hundred of the Sikhs and to disarm Renaud's mutinous cavalry, he gained three victories; and on the 16th, beneath the fiercest sun which the soldiers had yet felt, he defeated five thousand men, whom the Nana himself commanded. Next day the victors entered Cawnpore and, hurrying to the Bibigarh, saw bullet-marks, sword-cuts, clotted blood, shreds of clothing, and women's long tresses—the signs of the final massacre.

A week elapsed before Havelock was able to push on. Neill, who arrived on 20 July, was to defend the recovered city; and Havelock,

[1] Cf. Holmes, *op. cit.* pp. 244 *sqq.*

being unable to place more than three hundred men at his disposal, fortified the position close to the river, which he ordered him to occupy. The bridge had been destroyed by mutineers, and it was with great difficulty that the passage of the river, which, swollen by the rains, was flowing with torrential force, was accomplished in successive trips by boats. On the 25th Havelock, whose force now numbered fifteen hundred, resumed his march. After two more victories he had advanced about half the way when, reflecting that his little army was daily wasted by cholera and the enemy's fire, that the recent mutiny at Dinapore would delay reinforcements, and that, if he persisted, hundreds must still fall before he could approach the residency, he reluctantly decided to return. From Mangalwar, only five miles from Cawnpore, which he reached on the last day of July, he wrote to inform Neill that he could not attempt to relieve Lucknow until he received a reinforcement of a thousand men and another battery of guns. Aglow with indignation, Neill presumed to admonish his superior, who sternly replied: "Understand...that a consideration of the obstruction which would arise to the public service... alone prevents me from placing you under immediate arrest". Nevertheless, reinforced by no more than one company of British infantry and a half-battery, and hearing from Calcutta that for two months he must expect no more, he once more set his face towards Lucknow, advanced to the point which he had reached before, and there gained his seventh victory. But the reasons that had before compelled him to retreat were hardly less cogent now. The mutinous Gwalior contingent was reported to be threatening Cawnpore; the zamindars, encouraged by his recent retirement, were arming their matchlockmen; the cholera was unabated. Anxiously considering what his duty required, he returned again to Mangalwar. The resolve, as he himself recorded, was the most painful that he had ever formed.

Meanwhile Neill, believing that "severity at the first is mercy in the end", had determined to avenge the massacre in the Bibigarh by a punishment that should never be forgotten. Every prisoner whom he considered especially guilty was to remove the stain of blood from an allotted space. "The task", so ran the order,

> will be made as revolting to his feelings as possible, and the Provost-Marshal will use the lash in forcing anyone objecting to complete his task. After properly cleaning up his portion, the culprit is to be immediately hanged.

But Neill, who had told his chief that his retreat had destroyed the prestige of England, was compelled to appeal to him for help; for four thousand rebels were threatening to overwhelm his little force. Havelock, resolved to show that he was undismayed, first advanced again and routed them, then recrossed the Ganges and re-entered Cawnpore. The talukdars of Oudh, who, with a few exceptions, had hitherto remained passive, now began for the most part, under pressure from the rebel durbar, to send their retainers into the field.

Three days after his return Havelock defeated the force which had threatened Neill, but on the next day learned that he had been superseded by Sir James Outram, who, moreover, was appointed chief commissioner of Oudh. Reinforcements were by this time coming up the Ganges. On 15 September Outram reached Cawnpore, and on the following day issued the famous order in which he announced his intention of leaving to Havelock the honour of relieving Lucknow and of serving under him as a volunteer. But in the emotional nature of Outram generosity was not quite unalloyed: he intended to be not only a volunteer, but a counsellor with a decisive voice.

Havelock's force, now more than doubled, numbered about three thousand two hundred men. A floating bridge was thrown across the Ganges; and on 21 September the final advance began. Havelock had learned from Angad that if the defenders of the residency were not relieved before the end of the month, they would have no meat left. Driving the rebels before them, the troops on the 23rd captured the Alambagh, a strong place two miles from Lucknow, where they were heartened by the announcement that Delhi had been taken by assault. Next day, while they were resting, Havelock and Outram considered what plan they should adopt on the morrow. Although rains had made the open country impassable for the heavy guns, Havelock argued that the best course would be to cross the Gumti, then, after a detour, to recross it by a bridge north of the residency, and, thus relieved from the perils of street-fighting, to traverse the narrow space that separated the bridge from the entrenchment. Outram dissented from this view, and, though he had resigned the command, dictated to a staff-officer the orders for the advance. The troops were to cross the canal by the Charbagh bridge, south of the city, then, avoiding the direct road, where the rebels were prepared to resist, turn to the right along the bank, and, keeping outside the city, move past the palace to their goal. Havelock, who had been made apparently responsible for what he did not approve, was obliged to give way.

The morning of the 25th was beautifully fine. Havelock rose early and spent some time in prayer. The column advanced under fire to the bridge, which was commanded by sharpshooters and defended on the farther side by five guns. The Madras Fusiliers carried it with a rush. While the 78th Highlanders held the bridge-head, the rest of the column crossed, and pushed on almost unopposed till they came within three-quarters of a mile from the residency, when they were met with a heavy fire from the Kaisar Bagh; but, replying as best they could, they soon found shelter in a court beneath the walls of the Chattar Manzil. The Highlanders, who had diverged by a shorter road, presently appeared and found themselves at the head of the column. While soldiers, camels, guns and litters bearing wounded men were thronging into the court, Outram and Havelock were

observed in animated discussion. Outram, arguing that the enemy would expect the column to advance through the streets, desired to halt for the night, thus allowing the rear-guard to close up, and to move on next morning through the successive courts: Havelock, seeing that the enemy would then have time to occupy the courts, sharing in the ardour of the soldiers, and fearing that the rebels might succeed by a desperate effort in overpowering the garrison, implored him to push on. The discussion waxed warm. Outram lost his temper; but he gave way. "Let us on then", he cried, "in God's name." Highlanders, Sikhs, and Madras Fusiliers moved successively out of the court; Neill fell from his horse at the exit, shot through the head; but the column, plunging under a hail of bullets from adjoining houses through trenches which had been cut across the road, and descrying the flag waving on the roof of the residency, struggled unfalteringly on till they entered the entrenchment. But though the garrison had been reinforced, they had still to wait for the relief that would enable the non-combatants to be removed to a place of safety.

Even more important were the events that occurred at Delhi, the head-centre of revolt, and in the Panjab, with which it was throughout connected. The officers whom Dalhousie had selected to administer that province were a harmonious brotherhood. Except in the Peshawar valley, which was exposed to the raids of turbulent borderers, the people had been disarmed; but in the matter of land-revenue they had been generously treated.[1] Between Sikhs and Hindustanis there was a national, between Sikhs and Muhammadans a religious, antipathy. A perennial danger had been removed when Herbert Edwardes won the consent of Dost Muhammad, the amir of Afghanistan, to a treaty of alliance. The sepoys numbered thirty-six thousand: but ten thousand British soldiers were quartered in the province; and the Panjabi Irregulars, some thirteen thousand strong, next to the Gurkhas the finest native troops in India, were an additional source of strength.

When the telegram announcing the seizure of Delhi reached Lahore, John Lawrence was away; but the judicial commissioner, Robert Montgomery, was a man of action, and the military officers supported him. The sepoys at the neighbouring cantonment of Mianmir, though they outnumbered the Europeans by eight to one, were adroitly disarmed; the native portion of the garrison of Lahore was treated likewise; and on the same day Montgomery sent letters of warning and instruction to the principal civil officers, nearly all of whom justified his confidence. Though a mutiny broke out at Ferozepore, where the commandant failed to follow the example of Mianmir, three important stations—Amritsar, where the rural population were thoroughly loyal, Kangra, which dominated the hill-country on the north, and Phillaur, commanding the Grand Trunk Road—were instantly secured.

[1] Cf. Holmes, *op. cit.* pp. 33–4; also p. 91, *supra*.

Meanwhile momentous decisions were formed at Peshawar. Herbert Edwardes, the commissioner, John Nicholson, the deputy-commissioner, who had so tamed the lawless frontiersmen of Bannu that in the closing year of his rule there was not a single attempt at crime, Sydney Cotton, the brigadier, and Neville Chamberlain, the commander of the Panjabi Irregulars, met in a council of war. The principal resolutions, confirmed in due course by Lawrence, were that a movable column should be formed to repress mutiny wherever it might occur, and that recruits should be enlisted from the province and the frontier, to absorb and utilise the lawless. During the next few days Nicholson, in the absence of Edwardes, who had been summoned to confer with Lawrence, set a watch over every ferry on the Indus; but before Edwardes returned treasonable letters addressed to sepoys were intercepted, and when Nicholson tried to persuade the chiefs of the valley to raise their followers, the answer was significant: "Show us that you are the stronger, and there shall be no lack of aid". At midnight on 21 May Edwardes and Nicholson heard that the 55th Native Infantry at Naushahra had mutinied. It seemed probable that a detachment of the same regiment at Mardan had followed their example, and that the troops at Peshawar would soon be infected. The two friends instantly awakened Cotton, who agreed with them that the infantry regiments must be disarmed; and in the morning all, except those who were needed to carry on the work of the station, were forced, despite the protests of their officers, to pile arms. Immediately afterwards a multitude of men, protesting their loyalty, eagerly offered to enlist. It was now possible to act against the 55th at Mardan, who had been joined by the mutineers from Naushahra. Flying before the force that marched against them, they were hunted by Nicholson, who with his mounted police was alone able to overtake them, into the hills adjoining Kashmir, where the survivors were destroyed by the hill-men, or enslaved, or executed after they surrendered in despair. Meanwhile Edwardes and Cotton, compelling the disarmed sepoys to attend, were hanging or blowing from guns deserters and mutineers; and, having proved themselves the stronger, they had no difficulty in enlisting the recruits whom they required.

Not every station, however, was so firmly held. At Jalandhar, in the opposite extremity of the province, the brigadier neglected to disarm his sepoys, and when they mutinied delayed to pursue them; but the deputy-commissioner of Ludhiana, through whose district they passed on their way to Delhi, did all that one man could to repair the error, and speedily put a stop to the commotion which their presence caused. Lawrence, fearing that the sepoys at Multan would rise as soon as they heard of the mutiny, and knowing that the loss of that station would involve the loss of the Southern Panjab, determined to disarm the garrison, although, for want of an adequate British force, he had hitherto shrunk from the attempt. Major Crawford Chamber-

lain, in whom he had more confidence than in the commandant, was entrusted with the duty, which he successfully performed. "The disarming at Mooltan", said Lawrence, "was a turning point in the Punjab crisis, second only in importance to the disarmings at Lahore and Peshawar."

Lawrence was thinking not only how he could save the Panjab, but how he could contribute to the recovery of Delhi. As soon as he saw that the Panjabi soldiers had no fellow-feeling with the Hindustanis, he resolved to compensate for the losses entailed by mutiny and desertion by augmenting their numbers; and from first to last thirty-four thousand Panjabi troops were raised. A 6 per cent. loan, to be repaid within one year, first opened by the commissioner of the Cis-Satlej states, was soon extended to the whole province; and though bankers and merchants were chary in contributing, the chiefs who had helped the government with their arms subscribed liberally. The police, loyal from the outset, were strengthened. Criminals were ruthlessly punished, and every plunderer who was caught was forced to make restitution; but there was no great increase in violent crime. The treasure in the various stations was secured with the loss of not more than ten thousand pounds. Some districts remained absolutely tranquil throughout, and the comparatively few disturbances that arose, generally from distrust of the stability of British rule, were mostly traceable to the machinations of Hindustanis, large numbers of whom were expelled. Nearly all the civil courts remained open; the revenue was paid almost in full; and attendance at the government schools was but little diminished. In the Cis-Satlej states, where it was not less important to maintain order than in Peshawar in order to repel the influx of mutiny from the east, the task was exceptionally difficult. The mixed population, more akin to the Hindustanis than to the Panjabis, sympathised with the mutineers, and violent crimes increased alarmingly: but the commissioner, Barnes, supported by the rajas of Patiala, Nabha and Jhind, and by the Sikh portion of the inhabitants, stamped out every symptom of revolt; and by the end of July the crisis was over. So successfully, in short, was the Panjab ruled that Lawrence, loyally aided by Bartle Frere, the commissioner of Sind, who sent battalion after battalion to support him, was able to supply the army at Delhi with stores of every kind and to reinforce it by troops of all arms, British and Panjabi. The Guides, that famous corps of frontiersmen which left Mardan when the seizure of Delhi was announced, marched for three weeks at the rate of twenty-seven miles a day, encamped on the Ridge on the day after Barnard arrived, and within three hours engaged the mutineers. Twenty-eight years later a civilian, himself destined to rule the Panjab, listened in his novitiate to Sikhs who proudly related how they had fought for the raj in the days of Nicholson.[1]

[1] O'Dwyer, *India as I knew it*, p. 40.

But when Barnard took command, his army, far too small to invest Delhi, could not attempt without siege artillery to breach the walls. All that he could do was to cling to the Ridge; and with this object he posted piquets at various buildings, the most important of which were Hindu Rao's house on the right and the Flagstaff Tower on the left. On the fourth day Metcalfe House, between the Ridge and the city, was captured and placed in communication with the Flagstaff Tower, and Barnard was persuaded to sanction a plan for a *coup-de-main*; but an accident prevented it from being attempted, and an amended plan was so strongly opposed by his advisers that he declined to accept it. In the next week, however, the assailants made some progress. The possession of Metcalfe House had made it impossible to turn their left; successive attempts to capture Hindu Rao's house were repulsed; and although the mutineers made a great effort on the centenary of Plassey, they were expelled from an important building in the suburb of Sabzi-Mandi, south-west of the Ridge, the loss of which prevented them from attacking the British rear without a long detour. Reinforcements had already begun to arrive; and Colonel Baird Smith, who on 3 July took over the post of chief engineer, destroyed several bridges over canals on the rear and the south-west of the Ridge, and thus made the position comparatively secure. But the mutineers also had been reinforced; many British soldiers had fallen or succumbed to disease; and on the 5th Barnard, who, though he failed to inspire confidence, had won the affectionate respect of all, died of cholera. A few days later his successor, General Reed, who had long been in poor health, resigned in favour of Wilson.

Some weeks earlier Lawrence had informed Edwardes that he intended, if the army at Delhi should appear in danger of failing, to send the British troops in the Peshawar valley to help them and invite the amir of Afghanistan to occupy the valley on the understanding that, if he proved faithful, it should be ceded in perpetuity. Edwardes was amazed. The amir, he insisted, would regard the offer as signifying the end of the British raj, and would follow the retreating troops as an enemy. To cede Peshawar would involve the loss of the Panjab; but all would be well if we maintained the capitals on the sea and the frontiers, for "Between the two it is all a family quarrel, an insurrection in our own house". Finally he declared that rather than obey an order to abandon Peshawar, he would feel bound by conscience to resign and explain his reason to the government. Canning, to whom Lawrence appealed, saw that to abandon territory would be fatal, and decided, just before Wilson took command, in favour of Edwardes.[1]

Meanwhile fresh bands of sepoys had been streaming from all quarters into Delhi. Their officers were unable to control them. Hindus quarrelled with Muhammadans; both plundered the shops,

[1] Cf. Bosworth Smith, *Life of Lord Lawrence*, II, 49 *sqq.*; Cunningham, *Earl Canning*, pp. 122–4.

debauched the wives and daughters of respectable citizens, and treated the aged king with gross disrespect; while all who had anything to lose lamented the downfall of the British raj.[1] It was the custom that each successive band should go into action after its arrival; and fighting on the Ridge was maintained without a pause. In six weeks there were more than twenty combats. The British troops cheerfully endured the discomfort of water-logged tents, kept up their spirits by riding pony-races or playing cricket, and, though many of them treated the camp-followers with a cruelty which Wilson could not wholly check, fraternised cordially with their gallant comrades, the Gurkhas and the Guides. Foot by foot they added to their ground until Sabzi-Mandi was completely in their power; and by the end of July invariable defeat was weakening the confidence of the enemy. Still, Delhi remained in their possession; and the Panjabis were losing confidence in the British power.

Nicholson, who had taken command of the Movable Column, almost immediately found it necessary to disarm two of the regiments. On 8 July, hearing at Amritsar that an outbreak had occurred at Jehlam, he disarmed a third; and two days later, learning that the garrison of Sialkot had broken loose, he disarmed a body of his own cavalry belonging to one of the mutinous corps. His remaining force consisted of no more than one untried British regiment, a few Panjabis and undisciplined police sowars, and nine guns; but within the next two days, after covering forty-four miles in a single march, he defeated the Sialkot mutineers on the Ravi, near Gurdaspur. Four days later he annihilated the survivors, who had sought refuge on an island in the river, and on the 24th set out for Delhi. On the last day of the month a body of sepoys who had murdered four of their officers at Lahore was beaten on the Ravi by native police and villagers; and on the following day Frederick Cooper, the deputy-commissioner of Amritsar, who had captured the survivors, put them all to death, and thus (Montgomery declared) saved the Lahore division.

Other dangers were not less successfully overcome. Edwardes compelled the capitalists of Peshawar, who shrank from supporting a government which they no longer trusted, to contribute four hundred thousand rupees to the loan; disturbances on the border were suppressed, partly by force, partly by tactful management; and at Peshawar, where one of the disarmed regiments, stimulated by a fanatic, seized the weapons belonging to newly raised irregulars, seven hundred mutineers were either slain in pursuit or summarily executed. Nevertheless, disbelief in the vitality of British power was begetting disaffection in the Panjab, now denuded of so many troops.

About a fortnight after Nicholson arrived at Delhi it became known that the siege-train was at last approaching. A strong body of sepoys

[1] Cf. Metcalfe, *Two Native Narratives of the Mutiny in Delhi*; *Press List of Mutiny Papers*, 1857.

marched to intercept it; but Nicholson signally defeated them, and on 4 September the train arrived. Wilson was ill and overwrought, but, influenced by Baird Smith, who, though he was suffering intense pain from a neglected wound, and was weakened by chronic dysentery, had established an ascendancy over him, he consented to prepare for the assault.[1] The mutineers were still twice as numerous as their opponents, and only the lack of a directing mind, who would have concentrated on the decisive point forces that were wasting their strength elsewhere, prevented the disparity from being overwhelming. Within the next few days the engineers, protected by the fire of field-guns on the Ridge, constructed four siege batteries opposite the northern face of the city; and the gunners, working under a galling fire of musketry (for the hostile guns were soon silenced), destroyed the bastions and breached the curtain. On the 13th Wilson and Baird Smith arranged the plan of operations. The first and second columns were to storm the breaches, the third to penetrate the city through the Kashmir gate, after it had been blown open, the fourth to expel the enemy from the western suburbs and then to enter the city by the Kabul gate, opened by their comrades from within. The command of the operations was entrusted to Nicholson. The breaches, examined under the starlit night, were reported practicable; and Wilson, accepting the advice of Baird Smith, ordered the assault to be delivered at dawn.

About three o'clock the whole camp was astir. Sikhs, Pathans, Gurkhas and Kashmiris stood side by side with Englishmen. The mutineers had filled up the breaches in the night, and it was necessary for the batteries to reopen; but at length the impatient troops were permitted to advance. The first two columns under a fire of musketry and an avalanche of loosened stones, by which many of the ladder-men were killed, fought their way into the city; the third, followed by the reserve, achieved its aim; but the fourth, disorganised and disheartened by the disablement of their commander, failed, and Hindu Rao's house, threatened by their emboldened opponents, was with difficulty saved. Meanwhile Nicholson, seeing that the mutineers in the city were regaining courage, attempted, despite the failure of the fourth column, to assault the Lahore bastion, which the commander of the second had neglected, in default of express orders, to attack; but the cannonade which he encountered was so appalling that his men shrank from the final rush, and while he was appealing to them he fell mortally wounded. The result of the day's fighting, in which about one-fourth of the attacking force had fallen, was that the space between the north-eastern angle of the city and the Kabul gate was in British hands. Wilson was so dissatisfied that he spoke of withdrawing the troops altogether; but Baird Smith and Neville Chamberlain induced him to hold on.

[1] Cf. Vibart, *Richard Baird Smith*, pp. 49 *sqq.*, 121 *sqq.*

Next day many of the British soldiers, finding bottles of beer, wine and spirits which the mutineers had purposely left in deserted shops and on the pavements, became helplessly drunk; while of those who were not exposed to or resisted this temptation many were enticed into dark alleys and killed. Infuriated by this, their comrades, though they treated women and children with forbearance, showed no mercy to the men. By the 19th the city was completely mastered. The king had been persuaded by a traitor to remain with his family at the tomb of Humayun outside the city, where he was captured by Hodson, the famous leader of light horse, who also shot the old man's sons after they had surrendered. "This sad act was most uncalled for", wrote Hope Grant, rejecting the plea of a possible rescue.[1]

Though the recovery of Delhi, which, like the relief of Lucknow, had been accomplished without reinforcements from England, ended hopes of resuscitating the Moghul Empire, and in the Panjab restored waning confidence in British power, it was too late to produce all the results that had been expected. A column, dispatched from Delhi through the Doab, burned villages, drove mutineers before it, and at Agra defeated a force which had alarmed the garrison; but the bands which it had scattered returned after it passed and renewed their depredations. In the spring of the next year the king of Delhi, found guilty of rebellion and complicity in murder, was sentenced to imprisonment for life: but John Lawrence, pleading with Canning for the citizens, many of whom had been tried and executed by a merciless commission,[2] insisted that the great mass were innocent; and the territory of Delhi was placed under his control. It remained for the veteran, Sir Colin Campbell, who had been appointed commander-in-chief, to paralyse the surviving energies of the revolt.

His first aim was to relieve Lucknow. Havelock had been only just in time to avoid encountering mutineers from Delhi, who reinforced the besiegers, and to prevent their overwhelming the garrison. Within two days after his arrival the troops that had not been able to join in the final advance made their way into the entrenchment. Outram, in order to accommodate the multitude under his command, seized and occupied the palaces along the Gumti, and in frequent sorties destroyed hostile batteries; but his force was not strong enough to remove the non-combatants, for whom, moreover, he was unable to procure carriage, and he found that there was enough food to last several weeks. Lack of vegetables, however, produced scurvy, while the soldiers had no tobacco, and the cold autumnal air penetrated their summer clothing. Meantime Sir Colin was providing for the equipment of his expected reinforcements, securing the road, which was infested by rebels in Bihar, and, since the railway was open only as far as Raniganj, arranging for transport thence to Allahabad. On 3 November he reached Cawnpore. Tantia Topi with the Gwalior

[1] Holmes, *op. cit.* pp. 384–7. [2] Cf. Metcalfe, *op. cit.* p. 72.

contingent, which Sindhia could no longer restrain, was threatening that city; but Sir Colin, rejecting the advice of Outram, who urged him to secure its safety first, resolved to advance, and contented himself with leaving a detachment under General Windham to oppose Tantia. On the 13th his force, numbering about five thousand men, encamped at the Alambagh. The chief engineer advised him to adopt the plan which Havelock had proposed—to cross the Gumti and recross it near the residency. Though this route traversed open ground, where the heavy guns could act and the enemy were not prepared, he preferred the advice of Outram, who recommended him to cross the canal near its junction with the river, and thence to follow the route by which the main body had advanced in September. On the 16th the army crossed the canal. The enemy, deluded by a reconnaissance which Sir Colin had made on his left, offered no opposition till the advanced guard, moving in a narrow lane, was deluged by a hail of bullets from the Sikandar Bagh on its right. For the moment the situation seemed almost desperate: but by herculean efforts a troop of horse artillery clambered up the bank on the side of the lane; heavy guns were dragged through an opening which the sappers cut; and within an hour a breach appeared. The defenders, trapped between the assailants and others who had forced an entrance through a door, were gradually overpowered, and by sunset the survivors, crowding into the towers at the angles of the building, were utterly destroyed. Nearer the residency, the Shah Najif, a large mosque, standing in a garden surrounded by a wall, withstood the heaviest artillery, and Sir Colin had ordered the guns to be withdrawn when a Highland regiment passed through a cleft which had fortunately been discovered in the wall, and found that the garrison had fled. Havelock had already captured buildings on the east of the residency: next day the only remaining strongholds that barred the advance were stormed; and in the afternoon the relieving army joined the garrison. Two days later, Sir Colin having secured his left flank, the women and children, the sick and the wounded, were removed. Outram and Havelock besought him to seize the Kaisar Bagh and thus re-establish British supremacy; but, although the formidable citadel was breached within three days, he refused to leave behind the small force for which they asked, insisting that his entire army would be needed to secure Cawnpore. The garrison therefore evacuated the entrenchment; and two days later Havelock, weakened by privation, succumbed to dysentery. On the 27th Sir Colin, leaving Outram at the Alambagh to withstand the rebels until he should himself return to crush them, marched with the convoy for Cawnpore. The low tremulous sound which tells that artillery is at work at some distant place was plainly heard.

Sir Colin had ordered Windham to occupy and strengthen the entrenchment which Havelock had constructed, to send on to Luck-

now any British infantry that might join him, and, if Tantia should threaten to attack him, to extend his force conspicuously in advance of the entrenchment, but not to assume the offensive unless there should be no other way of saving the position from bombardment. Learning that Tantia was near, Windham obtained leave to retain a portion of the expected reinforcements; but within the next few days various reports led him to fear that his chief had suffered a reverse. Knowing that if he himself should be attacked, the defensive display prescribed by Sir Colin would be of no avail, he had prepared and forwarded for approval a plan for destroying two of the most important posts which Tantia occupied; but, owing to the interruption of communication, he received no reply. Though he shrank from executing this plan on his own responsibility, he attacked and defeated a detachment which Tantia personally commanded, but immediately retreated and selected a more defensible encamping-ground, west of the town. Hearing that all had gone well at Lucknow, he hoped that Tantia would not venture to attack him before Sir Colin returned. Tantia, however, knew that Windham would not have followed up a victory by retreat if he had not felt anxious; his own force was enormously superior; and in the next two days he twice defeated Windham, who failed at the critical moment to support his best officer, and was ill-served by another. Sir Colin, who received urgent letters on his march, rode on, fearing that the bridge might have been destroyed, in advance of the column, and at sunset saw the battle still raging and flames rushing up above the city. But Windham had preserved two vital points: not only the bridge, but also the entrenchment remained intact. Next morning Tantia opened fire upon the bridge; but his artillery was overpowered, and Sir Colin's army, with the convoy, safely crossed. For a week he remained on the defensive, to allow the convoy to get out of danger; but on 6 December he gained a victory which would have been decisive if the chief of the staff had not missed a chance of cutting off the retreat of two-thirds of Tantia's army.

While Sir Colin, kept inactive by want of carriage, was awaiting the return of the carts that had transported the convoy to Allahabad, he thought out his plans for the rest of the campaign. Before he could reconquer Rohilkhand and Oudh, it was necessary to get control of the Doab. As three of the important points—Delhi, Agra and Allahabad—were already in his possession, it only remained to secure the fourth, Fatehgarh, on the Ganges, east of Agra. This was accomplished by converging columns, which drove numbers of rebels into Rohilkhand, whereon many of the villagers supported the re-established civil officers. Sir Colin desired to utilise the remaining months of cool weather for the reconquest of Rohilkhand; for, knowing that the subjugation of Oudh would require a longer time, he was unwilling to expose his troops to the hardships of campaigning in the summer,

and he believed that it would be safe to wait until the autumn if the rebels were prevented from invading other provinces. But Canning pointed out that military must give place to political reasons. To restore order in Rohilkhand, which had long been under British rule, was a matter of police: Oudh represented a deposed dynasty, and all India was waiting to see whether the British could regain their sovereignty. Sir Colin loyally obeyed. In order to maintain his hold upon the Doab and to cover the march of reinforcements to Cawnpore, where they were to concentrate before advancing against Lucknow, he retained the position at Fatehgarh, and made an arrangement with John Lawrence, in accordance with which a force was to hold Rohilkhand in check until it should be time to reconquer it.

Ever since Sir Colin left Lucknow, Outram had defended the Alambagh against a force which outnumbered his in the proportion of thirty to one, thus nullifying the activity of a hundred and twenty thousand rebels, preserving the safety of Cawnpore, and preparing for Sir Colin's return. On 28 February, 1858, Sir Colin left Cawnpore, where he had been superintending preparations for the siege of Lucknow, and marched to Banthira, near the Alambagh, where the whole army—the most powerful that a British general had ever commanded in India—was assembled. A Gurkha force, under Jang Bahadur, the virtual ruler of Nepal, and a column under General Franks, which had conjointly enabled the civil authorities to resume their work in the Benares and Allahabad divisions, were coming to take part in the siege. Lucknow had been strengthened by the destruction of the bridges over the canal and by three successive entrenchments which protected the eastern side of the city, the innermost covering the Kaisar Bagh. But the rebels had made one fatal blunder. As neither Havelock nor Sir Colin had operated beyond the Gumti, they had neglected the defence of the northern side. Sir Colin accordingly adopted a plan devised by the chief engineer, Brigadier Robert Napier. While he himself crossed the canal and, turning the enemy's right flank, moved against the Kaisar Bagh along the Hazrat Ganj, by which the Highlanders had advanced in September, Outram was to cross the river and take the left flank in reverse. Aided by Outram's enfilading fire, Sir Colin's force found the first line of works abandoned, then, turning the others, sapped through the houses on the left of the Hazrat Ganj, and finally captured the Kaisar Bagh, the Chattar Manzil, and other palaces on its right; but three successive opportunities of cutting off large rebel bands were lost. Outram, who asked leave to recross the river and attack the rebels while they were demoralised by the loss of the citadel, was forbidden to do so unless he would promise not to lose a single man; and in the next few days some thirty thousand were allowed through mismanagement to escape. When, on 21 March, the city was again in British hands, the province remained in possession of the enemy.

Meanwhile Canning had committed an error which made reconquest still more difficult. Before the siege began he forwarded to Outram a proclamation, to be addressed after the capture of the city to the civil population, confiscating all lands except those held by a few loyalists, offering immunity from disgrace to all who had not murdered Europeans and who should instantly submit, but warning them that for any additional boon they must trust to the mercy of the government. Outram, reminding him that in the original settlement the talukdars had been unjustly treated, declared that if nothing more than their lives and freedom from imprisonment were offered, they would be driven to wage a guerrilla war, whereas if the possession of their lands were guaranteed to them, they would assist in restoring order. The only concession which Canning could be induced to make (though John Lawrence had pleaded for an amnesty to all mutineers and rebels who had not committed murder) was to insert a clause promising that those who would support the government immediately might expect a large measure of indulgence. The promise was generally disregarded, and the bolder spirits determined to resist to the last.

Before the recovery of Lucknow, Kunwar Singh, undaunted by the defeat which he had suffered near Arrah, had taken advantage of the withdrawal of troops, who were needed for the siege, to invade the Benares division. Sir Colin sent a force to the rescue, and soon afterwards the old Rajput died; but throughout the summer and the autumn his followers maintained a guerrilla war in western Bihar. The lack of the amnesty for which Lawrence pleaded was sorely felt. "We must cling together", said a prisoner, "for when we go home we are hunted down and hanged." Detached parties, when they could be brought to action, were invariably defeated; but the rebels, as a whole, were too swift to be caught. When they were confined by seven converging columns within a narrow space, and success seemed certain, one column was delayed, and the entire body escaped through the gap. It was not until October, when the younger Havelock persuaded his chief to try the effect of mounted infantry, whom he had himself hastily trained, that they were driven into the Kaimur hills, where, before the end of the year, their organisation was destroyed.

To understand how Sir Colin was able to undertake securely the reconquest of Rohilkhand and Oudh, it is necessary to trace the course of events in the Bombay Presidency and the central provinces. Lord Elphinstone, the governor of Bombay, equipped a column to support the Central India Agency, and throughout the Mutiny regarded the interests of his own charge as subordinate to those of the empire. The Bombay army, on the whole, was tolerably staunch. In Bombay itself, though the sepoys were in a mutinous temper, order was preserved by the skilful management of the superintendent of police. A plot was discovered in the recently annexed state, Satara, and the conspirators were punished. But the principal danger was in the southern

Maratha country, where many landowners had been aggrieved by the action of the Inam Commission, and the people were excited by the momentary triumph of the Nana. A mutiny occurred at Kolhapur; intercepted letters revealed a Muhammadan conspiracy; and emissaries from the Nana caused a local rebellion: but order was restored by Colonel Le Grand Jacob, whom the governor had entrusted with discretionary power.[1]

In Central India the most important point was Indore, the capital of the Maratha prince, Holkar, who, in the absence of the agent, Sir Robert Hamilton, was under the supervision of Colonel Durand. The only British troops available were the gunners of a single battery at the neighbouring station of Mhow; but on hearing of the outbreak at Meerut, Durand summoned a detachment of Bhils and a force belonging to the contingent that protected the begam of Bhopal, while Holkar contributed a small force. Towards the end of June Durand learned that the column which Elphinstone had equipped could not advance, and on 1 July Holkar's troops, who were immediately joined by the infantry of the Malwa and Bhopal contingents, mutinied. The Bhils and the Bhopal cavalry did nothing, and Durand was forced to retreat with the women and children under the escort of the cavalry who, though not actively mutinous, refused to remain. To reach Mhow was impossible, for the approach to the road was commanded by the mutineers; and the cavalry insisted on going to Sehore in Bhopal. The commandant at Mhow, however, supported by Holkar, who, if he had before been half-hearted, now proved himself loyal, assumed the duties of the agent and restored order in his own district, though in the surrounding country anarchy was rampant. Durand himself, moving southward from Sehore, joined the column dispatched by Elphinstone, which he thenceforth commanded, at Asirgarh, and returned to Mhow, where he was kept inactive by stress of weather. When the dry season began he marched northward, quelled the insurrection in Malwa, and in December returned to Indore, where, before transferring his charge to Hamilton, he insisted that all who had been concerned in the mutiny should be punished.[2]

Another Maratha, the widow of the raja of Jhansi whose dominions Dalhousie had annexed, had already planned revenge. Within a month of the outbreak at Meerut the garrison mutinied; a general massacre of Europeans followed; and the rani, buying over the sepoys, who had threatened to set up a rival, fortified her city, raised an army, and prepared to defend her country to the last.[3]

In Bundelkhand, although many of the chiefs rebelled, Lieutenant Osborne, the political officer at Rewah, conducted affairs so skilfully that communication between Bombay and Calcutta remained un-

[1] Cf. Jacob, *Western India before and during the Mutinies*, pp. 148 *sqq.*
[2] Cf. H. M. Durand, *Life of Sir Henry Durand*, I, 197 *sqq.*
[3] Holmes, *op. cit.* pp. 491 *sqq.* and references there cited.

broken. In the Sagor and Narbada territories, south of Bundelkhand, disturbances were general, but farther south, in the recently annexed province of Nagpur, the authorities sternly repressed the first symptoms of disorder. In Hyderabad, where were congregated numerous Muslim fanatics, the resident, Major Davidson, supported by the Nizam's able minister, Salar Jang, kept the peace, despite active propaganda; and a band of Rohillas, who attacked the residency, was scattered by a shower of canister from the Madras Horse Artillery, who, like all the troops of that presidency, were staunch.[1] It was reserved for Sir Hugh Rose to restore British supremacy in the heart of the peninsula and to prepare the way for the final efforts of Sir Colin Campbell.

In accordance with a plan formed by Sir Robert Hamilton, a Bombay column, under Rose, was to march from Mhow by way of Jhansi to Kalpi, while a Madras column, under General Whitlock, marched northward across Bundelkhand. Leaving Mhow on 6 January, 1858, Rose joined his 2nd brigade at Sehore. Capturing rebel forts and defeating all whom he encountered in the field while the 1st brigade on his left cleared the great road from Bombay, he was within a day's march from Jhansi when he received a dispatch from Sir Colin, ordering him to turn aside and succour a chief who was besieged by the Gwalior contingent under Tantia Topi. Fortunately Hamilton, who, as a political officer, ventured to use his own discretion, directed him to disregard this order, and two days later the siege of Jhansi began. Within the next four days the whole of the 1st brigade and the siege-train arrived. Even at night the besiegers lay on their arms and by day were dazzled by the glare and half-stifled by the scorching wind. The besieged never ceased firing except at night, and even women were seen working in their batteries. The siege had lasted nine days when Tantia appeared with twenty-two thousand men. Without suspending the bombardment, Sir Hugh collected all the men whom he could spare, and on the following day defeated him. Two days later, after a desperate resistance, the city was taken by assault, and on the following night the rani, quitting the fort, rode with a few attendants for Kalpi. After halting for nearly three weeks to collect supplies and ammunition, Sir Hugh, though the sick list was daily lengthening, resumed his march, defeated Tantia again in the battle of Kunch, and prepared to finish the campaign. Whitlock, partly owing to his own inactivity, was too late to join him; but Sir Colin sent a force to his support. Half of his own troops were sick, all were ailing, and he himself had suffered repeatedly from sunstroke; but on 22 May a final victory gave him possession of Kalpi. He was looking forward to a period of rest which might enable him to recruit his health when he heard of an event which caused a sensation throughout India. The rani and Tantia, boldly marching with the remnant of

[1] Holmes, *op. cit.* pp. 498 *sqq.* Cf. Meadows Taylor, *op. cit.* p. 382.

their force to Gwalior, where Sindhia's army deserted to them, seized the fortress and proclaimed the Nana as Peshwa. The main artery of communication between Bombay and the North-Western Provinces was in danger. Sir Hugh instantly took the field again, won a battle on the outskirts of Gwalior, in which the rani, whom he esteemed as "the best and bravest military leader of the rebels", fell, defeated Tantia on the following day, and restored Sindhia to his throne. Tantia with four thousand men fled into Rajputana, and during the next eight months, crossing and recrossing the Chambal, the Narbada, and other rivers, doubling again and again like a hunted hare, but still hoping to find support for his master, he contrived, thanks to the marvellous speed of his followers, to escape the many columns that pursued him. Early in 1859 the fugitives who had not dispersed surrendered, and a few weeks later Tantia, betrayed as he wandered in the jungle by a feudatory of Sindhia, was taken in his sleep. Condemned by a court-martial on the charge of rebellion, he was hanged on 18 April at Sipri in the Gwalior state.[1]

The campaign of Sir Hugh Rose had relieved Sir Colin Campbell from anxiety for his rear. After the recapture of Lucknow he proposed to undertake forthwith the reconquest of Oudh, which his own remissness had made necessary; but Canning replied that the Hindus of Rohilkhand, who were almost all friendly, might turn against the government if it delayed to overthrow Khan Bahadur Khan. Three columns, supported by that which had guarded Fatehgarh, converged on Bareilly, and by the end of May, although the moulvi of Faizabad, who had led the assailants of Outram at the Alambagh, gave considerable trouble, Rohilkhand was completely subdued. In Oudh, where the peasant cultivators, hardly noticing the movements of the rebels, were busy in the fields, the mutineers, the troops of the deposed king, the talukdars' clansmen, and the Muhammadan zealots formed distinct groups. A force which had been detached by Sir Colin did what was possible, and many talukdars, trusting to the assurances of Montgomery, who had succeeded Outram, that their land should not be confiscated, tendered their submission; but the number that remained in arms was still considerable. In October, when the weather became cool, and the sepoys had mostly dispersed, Sir Colin began his campaign. Success was less swift than it might have been if he had followed the advice of Outram, who, pointing to the example of the younger Havelock, urged him to form a corps of mounted infantry; but the cordon with which he surrounded the province was of overwhelming strength, and by the end of December the rebels had been driven into Nepal. Still, in many parts of the peninsula small columns were employed in hunting down marauders; and it was not until the end of 1859 that India was restored to something like its normal state.

It remains to consider certain questions relating to the Mutiny, the

[1] Cf. Holmes, *op. cit.* pp. 503 *sqq.* and references there cited.

isolated rebellions connected with it, and the disturbances to which it gave rise among the civil population. Before the story of the greased cartridges was circulated, there was no definite plot for a general rising of the Bengal army, and it is improbable that such a plot was formed even after the first mutinies. For, though Cracroft Wilson, the judge of Moradabad, collected evidence which convinced him that 31 May had been fixed for a simultaneous revolt, and that the plan was marred by the premature outbreak at Meerut, John Lawrence found in the numerous intercepted letters written by sepoys not the faintest hint of an organised conspiracy, while none of the faithful sepoys, none of the condemned mutineers who might have saved their lives by disclosing it, if it had existed, knew anything about it. In reply to questions put to prisoners in the North-Western Provinces, the cartridge, and it alone, was named as a grievance.

While the mutineers lacked a head, many were half-hearted and fought reluctantly against the leaders whom they had been accustomed to obey; and between the various groups there was a want of concert. Sikhs, Panjabis, Gurkhas fought whole-heartedly against them. Even so, however, the prospects of the British would have been almost desperate if Indian princes—particularly the rajas of Patiala, Jhind and Nabha—had not given invaluable aid. Colin Campbell made serious mistakes and lost precious opportunities; but his critics, who contrasted him with the men who, without help from England, had repelled the first onslaught of the mutineers, and complained that with forces enormously superior he was slow in extinguishing the revolt, forgot that his task, in itself even harder than theirs, was rendered still more difficult by the delay in offering an amnesty and by the confiscation proclaimed by Lord Canning.

Although many whose pride was offended by the domination of an alien and infidel race, or who had personal objects to gain, desired the overthrow of the British raj, diversities of race, rank, status, aim and, above all, religion made it impossible for them to combine. Aggrieved chiefs, such as Kunwar Singh, dispossessed land-holders, villagers who objected to taxation, hereditary thieves, budmashes of every kind took advantage of the prostration of authority to redress their grievances, to rob, or to gratify private animosities; but civil disturbances, except in a few isolated regions and on the part of a few embittered or fanatical groups, never amounted to rebellion. After the Mutiny broke out, the titular king of Delhi was proclaimed head of a movement by which Muhammadan zealots hoped to regain supremacy; but this probably deterred many to whom Muhammadan rule was abhorrent from supporting the mutineers. The Nana, profiting by the military rising which he had helped to encourage, became the representative of those Marathas who desired to restore the power once exercised by the Peshwa. Among the states which Dalhousie had annexed rebellion broke out in Jhansi and Oudh

alone; and in Oudh it was due not to annexation, but to the harshness with which the talukdars were treated, to the failure of Havelock's earlier attempts to relieve the residency, to the abandonment of Lucknow, justifiable though it may have been, by Sir Colin Campbell, to the errors which he committed during the siege, and to Canning's impolitic proclamation. These rebellions arose in consequence of the Mutiny, and there is no evidence that any of the rebels, except the Nana, conspired before it began.

Dalhousie, except in so far as he had failed to remedy the indiscipline of the army, which was rather the business of the commander-in-chief than of the governor-general, and had neglected to safeguard Delhi and Allahabad, was unjustly blamed, and has been fully vindicated. Even the annexation of Jhansi would have been harmless if it had been supported by armed force; the increase of European troops, for which he had in vain pleaded, would have at least averted the worst calamities of the Mutiny; while by the construction of roads and telegraphs, and by the administration which he bestowed upon the Panjab, he contributed much to the power by which the Mutiny was quelled.

Even before the reconquest of Oudh an event had occurred which, while it marked the restoration of British supremacy, inaugurated a new period of Indian history. The East India Company, upon which all political parties in England agreed in throwing the blame of the Mutiny, was abolished; and India was to be ruled in the name of the queen. A proclamation, prepared under her direction, announced that the government of India had been assumed by the queen; that Lord Canning was to be the first viceroy, and that all officers who had been in the service of the Company were confirmed in their offices; that all treaties made by the Company with Indian princes were to be maintained; that the queen desired no extension of territory, promised full religious toleration to her Indian subjects, and would always respect their ancient usages; that she offered pardon to all rebels and mutineers who had not directly taken part in the murder of Europeans; and that she would constantly endeavour to promote the prosperity of her Indian dominions.

CHAPTER XI

THE HOME GOVERNMENT, 1858–1918

THE government of India is an amazingly complex and dual form of administration. It has two chiefs, the secretary of state here, the man at the desk and on the front bench in this country; and the viceroy, the man on the spot in India. It is the latter who, at any rate in India, is invested with paramount power; but the final responsibility rests with the secretary of state.[1]

In his *British Government in India* Lord Curzon further observes:

This dualism has arisen not merely from the simultaneous existence of one half of the government in England, and the other half in India, for that is a feature of the administration from a sovereign centre of all dependencies or dominions, but from the subdivision of that authority both in England and in India.[2]

The subject of this chapter is the history of the London branch of British administration in India from 1858, the memorable year which was marked by the end of the Mutiny and the proclamation of Lord Canning as first viceroy and governor-general for the crown, to 1918, the year which saw the conclusion of the great war.

In February, 1858, a weighty and dignified petition[3] was presented to both houses of parliament on behalf of the East India Company. It failed to avert the impending sentence, but certainly influenced subsequent legislation.

The petitioners assumed that the minister of the crown who would henceforward conduct the home portion of the administration of India would be assisted by a council composed of statesmen experienced in Indian affairs. The knowledge necessary for governing a foreign country, and in particular a country like India, could not possibly be possessed by anyone who had not devoted a considerable portion of his life to the acquisition of it. The council should be qualified not only to advise the minister, "but also by its advice to exercise a certain degree of moral check". The minister would generally be unacquainted with India and would constantly be exposed to solicitations from individuals and bodies

either entirely ignorant of that country or knowing enough of it to impose on those who knew still less than themselves and having very frequently objects in view other than the good government of India.

British public opinion was necessarily unacquainted with Indian affairs and therefore liable to be misled. The responsible minister's council should, therefore, derive sufficient weight from its constitution

[1] Lord Curzon, Hansard, 13 July, 1917, xxv, 1027–8.
[2] II, 67.
[3] Hansard, 1858, CXLVIII, Appendix.

to be a substantial barrier against inroads of self-interest and ignorance in England from which parliament could hardly be expected to afford a sufficient protection. The council must be so constituted as to be personally independent of the minister, and should feel itself responsible for recording an opinion on any Indian subject and pressing that opinion on the minister whether it was agreeable to him or not. The minister when overruling his council must be bound to record his views. Thus the council would be a check and not a screen. Otherwise it would merely serve to weaken the minister's responsibility and "to give the colourable sanction of prudence and experience to measures in the framing of which these qualities have had no share".

A council composed of crown nominees would not preserve the independence of judgment which had marked the court of directors. If a substantial portion of the old spirit was to remain, a majority at least of the council which would assist the new minister for India should hold their seats independently of his appointment. That body should not be smaller in numbers than the existing court of eighteen directors. The petitioners went on to plead for the continuance of the existing system, to urge that the present home government of India was not really a double government, as the final word always rested with the cabinet, and that a new arrangement which in any way checked the minister's discretion would be liable to a similar reproach. This reproach, however, originated

> in an entire misconception of the functions devolving on the home government of India, and in the application to it of the principles applicable to purely executive departments.

The executive government of India was and must be situated in India itself. The court of directors was not so much an executive as a deliberative body. Its principal function and that of the home government generally was not to direct the details of administration, but to scrutinise and revise the past acts of the Indian government; to lay down principles and issue general instructions for their future guidance and to give or refuse sanction to great political measures which were referred home for approval. Such functions admitted of and required the concurrence of more judgments than one. They were more analogous to the functions of parliament than to those of an executive board; and it was considered an excellence in parliament to be not merely a double but a triple government. The petitioners ended by praying that no change should be made in the constitution of the Indian government until the conclusion of "the present unhappy disturbances or without a full previous enquiry into the operations of the present system".

But both the great political parties in parliament were resolved that there should be no delay in completing the process which had definitely begun in 1853. It was an obvious anachronism that a

chartered company should take part in administering a great empire. It was wrong that there should be a Company's army and a royal army, an Indian and a royal navy. In India itself the prestige of the Company had lately suffered irretrievable damage.[1] Immediately after the presentation of the Company's petition, Lord Palmerston, then prime minister, introduced his bill for transferring the government of India entirely to the crown.[2] But when the bill had been read a second time he was turned out of office on the Conspiracy to Murder Bill, and was succeeded by Lord Derby. Then Disraeli, who came in as Derby's chancellor of the exchequer, introduced a new bill which provided the Indian minister with a council composed partly of crown nominees and partly of persons to be elected by two constituencies, one consisting of men who had served in India or possessed financial interests in that country, the other made up from the parliamentary electors of the leading commercial cities of the United Kingdom, London, Manchester, Liverpool, Glasgow and Belfast. These proposals, for which Lord Ellenborough, then president of the Board of Control, was largely responsible, were received with general ridicule[3] and were dropped. Ellenborough's dispatch to Canning regarding the Oudh proclamation caused his own resignation. His successor, Lord Stanley, piloted certain resolutions through the House of Commons which formed the basis for a measure destined to regulate the government of India from London for sixty-two years.[4] Its main provisions were:

(*a*) The place of the Board of Control and court of directors would be taken by a secretary of state in council. The new secretary would be assisted by a "Council of India" consisting of fifteen members, of whom eight were to be appointed by the crown and seven were to be elected by the directors of the East India Company. The majority of both appointed and elected members were to be persons who had served or resided in India for ten years at least, and had not left the country more than ten years before their appointment. Future appointments or elections were to be so regulated that nine at least of the members of council should hold these qualifications. Future vacancies in crown appointments would be filled by crown nominees; vacancies among the seven members elected by the directors would be filled by persons co-opted by the council. No member could sit or vote in parliament. All would hold office during good behaviour and could be removed only on petition by both houses of parliament.

(*b*) The council would conduct Indian business transacted in the United Kingdom and would correspond with the Government of India, but would not possess the initiative which had all along rested with the court of directors. It could give its opinion only on questions

[1] Martineau, *Life of Frere*, I, 230.
[2] Hansard, 1857–8, CXLVIII, 1276.
[3] *Idem*, CXLIX, 1675; cf. also 1677.
[4] Monypenny and Buckle, *Life of Disraeli*, IV, 138, 164–5.

referred to it by the secretary of state, who would preside over meetings with power to overrule should he be unable to obtain agreement. In such an event he might require that his opinion and the reasons for it should be entered in the minutes of the proceedings, and any member who had been present at the meeting could exercise the same privilege.

(*c*) The secretary of state might constitute committees of his council for the more convenient transaction of business, and might distribute departments of business among those committees. He would direct the manner in which all business should be conducted. The council would meet once at least every seven days and could do no business without a quorum of five.

(*d*) Communications from the secretary of state to the governor-general, and orders proposed to be made in the United Kingdom by the secretary of state, must, subject to certain provisions, be either submitted to a meeting of the council or be deposited in the council-room for seven days before issue. Any member of council might record his opinion on any such communication or order in a minute-book kept for the purpose, and a copy of such entry would be sent forthwith to the secretary of state. If a majority minuted against a communication or order, the secretary of state must, if adhering to such communication or order, record his reasons.

(*e*) Orders of the secretary of state relating to expenditure and loans required the concurrence of a majority of the Council of India. The revenues of India, which would be charged with a dividend on the Company's stock and with their debts, could only be used for the purposes of the government of India. Clause 41 of the act provided that no grant or appropriation of any part of such revenues or of any property coming into the possession of the secretary of state in council should be made without the concurrence of a majority of votes at a meeting of the council. All powers of issuing securities for money in the United Kingdom vested in the secretary of state in council must be exercised by the former with concurrence of a majority of votes at a council meeting.

(*f*) The salary of the secretary of state and the cost of his office would be charged to the revenues of India. A statement of "moral and material progress" would be annually submitted to parliament. The secretary of state would every year lay Indian accounts before parliament, on occasions which became famous as "budget debates", although in fact they were simply reviews of Indian affairs.

(*g*) It was provided that urgent communications or orders which did not, under the terms of the act, require the concurrence of a majority of council votes, might issue on the authority of the secretary of state alone without reference to the council. But in such cases the secretary would record the reason for urgency and give notice thereof to the members of the council.

(*h*) Orders concerning the levying of war or the making of peace,

or the treating or negotiating with any prince or state, which virtually gave effect to cabinet decisions and did not require the support of a majority of council votes, might be marked as "secret" and sent off on the authority of the secretary *alone* without any notice or reference to the council. "Secret" dispatches from the governor-general in council or the governors of Madras or Bombay relating to such matters need not be communicated to the Council of India.

(*i*) Appointment to the offices of governor-general and governors of presidencies vested in the crown. The governor-general would appoint lieutenant-governors to provinces subject to the approval of Her Majesty. Members of the various councils in India would be appointed by the secretary of state in council.

(*j*) The naval and military forces of the Company were transferred to the crown, their separate local character being retained. It was directed by clause 55 that except for the purpose of preventing or repelling invasion, or under other sudden or urgent necessity, Indian revenues should not be applicable for military operations outside India without the consent of parliament.

The basic principles of the bill were fully discussed in parliament.[1] The object was to vest full charge of the government of India in the crown "in order that the direct superintendence of the whole empire might be placed under one executive authority". The new secretary of state would be a member of the cabinet. His individual responsibility was essential. His decision would be final on all matters. But he should not be allowed to choose all his councillors, for the council should possess considerable independence.[2] It must exercise "moral control".[3] As Sir Henry Maine subsequently observed, the ultimate power of the secretary of state was regarded with apprehension by certain speakers in the House of Commons. On 23 June the directors drew up a letter criticising the bill and stating that in their opinion the council should have more than a consultative voice in all questions regarding expenditure. In such cases the secretary of state should not be able to exercise his overruling power. Precautionary provisions were then engrafted on the bill and appeared as clauses 41 and 55.[4]

The semi-independent status accorded to the Council of India by the cabinet was approved by Mr Gladstone for the opposition.[5] In order "to clothe this new body with all the moral weight and influence that was consistent with retaining intact the responsibility of the secretary of state", he recommended that its first members should be named in the bill. Each nomination would thus receive the express approval of parliament. This would give the council a start which would secure for it a good character hereafter. It needed all possible weight at this time of transition from one form of government to

[1] Hansard, 1858, CXLIX, CL. [2] *Idem*, CL, 2066. [3] *Idem*, CLI, 323.
[4] Unpublished memorandum, dated 8 November, 1880.
[5] Hansard, CLI, 470, 757–8.

another and there were precedents for such procedure. The proposal was rejected by the cabinet, mainly on the ground that, if accepted, it would deprive the court of directors of the power of electing any members of the new body. The government wished to avoid needless changes. It had found in the court of directors a council in being which consisted partly of crown nominees and partly of persons elected by the Company's court of proprietors. It would practically continue this council, increasing the number of nominees and reducing the number of elected members so as nearly to equalise the two varieties.[1]

Both the cabinet and parliament desired to deal tenderly with the Company which had fallen before "the inevitable consequences of time, change and progress",[2] and to set up a substantial barrier against inroads of unbalanced sentiment and attempts to debit the revenues of India with unfair charges. India must not be brought into the cockpit of party politics. The members of the Council of India must be "neither the masters nor the puppets but the valuable advisers of the new minister".[3]

While, however, the council would be invested with an appreciable degree of independence and would be so large as to represent the various presidencies and public services in India, it would have no powers of initiative, and would, in the main, confine its attention to such questions of policy and matters of first-class interest as were laid before it by its president, who in "secret" affairs could act by himself entirely apart from his councillors.[4] He was a member of the cabinet which could not be forced to take into its confidence any given number of persons whom it did not wish of its own accord to consult. The president of the Board of Control had always possessed the privilege of communicating with the governor-general through the secret committee of the court of directors in regard to "secret" business.[5]

Secret orders, however, concerning the levying of war and other matters might involve considerable expenditure from Indian revenues. It was somewhat difficult to see how members of council could in such cases discharge their statutory responsibilities.

While it was hoped that all these arrangements would conduce to the better government of India, the cabinet was convinced that, in Lord Derby's words, "the government of India must be, on the whole, carried out in India itself".[6] Interference should be on as small a scale as possible; although, apart from the large amount of Indian business which was necessarily transacted in England, since parliament was responsible to the nation for the administration of India, it must discharge its responsibilities conscientiously.

[1] Hansard, CLI, 759–60.
[2] *Idem*, CXLIX, 820.
[3] *Idem*, CLI, 1454–5.
[4] *Idem*, CLI, 1457–8.
[5] Lee-Warner, *Dalhousie*, I, 107–8.
[6] Hansard, CLI, 1448.

The Act "for the better government of India" (21 & 22 Vict. c. 106) received the royal assent on 2 August, 1858; and a month later the directors issued their last instructions to their servants in the East and in memorable words commended their splendid trust to the care of the sovereign of Great Britain.

Let Her Majesty appreciate the gift—let her take the vast country and the teeming millions of India under Her direct control; but let Her not forget the great corporation from which she has received them nor the lessons to be learnt from its success.

Lord Stanley, afterwards Earl of Derby, who, as president of the Board of Control, had piloted the bill of 1858 through the House of Commons, was the first secretary of state for India. With the board's two secretaries, he migrated to a new India Office which took the place of the Company's East India House.[1] The secretaries became the first Parliamentary and Permanent Under-Secretaries of State for India. Resigning in 1859 with the Conservative cabinet, Stanley was succeeded by Sir Charles Wood, who, as president of the Board of Control, had been responsible for the Charter Act of 1853 and the education dispatch of 1854, and now held office till 1866 with excellent results. He was a single-minded man,[2] of great knowledge, patience and judgment, and was largely responsible for the success with which Indian affairs were conducted during a very difficult period of transition and reconstruction. The arrangements for the councils of the governor-general and those of the governors of Madras and Bombay, the setting up of new High Courts of Judicature, the reorganisation of finances, the codification of the law, railway extension, the amalgamation of the queen's and the Company's British regiments, the determination of the number of British troops to be quartered in India, the adjustment of numerous conflicting interests, all demanded careful consideration in London. The council was a very strong one, including ex-directors and men who had earned distinction in the Mutiny period. Although there were necessarily differences of opinion and outlook from time to time, although the transaction of business by committees sometimes caused irritating delays, although time was sometimes wasted over trifling financial questions which could better have been decided in India,[3] some years after quitting office Wood, who had meantime become Lord Halifax, told the House of Lords that any secretary of state who firmly and honestly discharged his duties would never experience the slightest difficulty with his council.[4] On a subsequent occasion he

deprecated any measure which could diminish the independence and self-respect of the council, for a strong council was needed to give the secretary of state the support requisite for resisting party pressure, a pressure not always applied in a manner beneficial to India.[5]

[1] Foster, *East India House*, pp. 153–4. [2] Cf. Hansard, CXLVIII, 1298.
[3] Martineau, *op. cit.* I, 447. [4] Hansard, CXCV, 1085. [5] *Idem*, CXCVI, 693.

In 1866, however, a more brilliant and impulsive, but less patient and experienced, secretary of state presided at the council-board. Lord Salisbury (then Lord Cranborne), while in office, avoided an open breach with his council. But afterwards, when speaking in the House of Lords as Marquis of Salisbury on 11 March, 1869, on "the Governor-general of India Bill", he expressed his belief that the "tutelage" in which the secretary of state for India was held by his council was injurious to the good government of that country. In such matters as railway guarantees and other commercial affairs the council's "veto" was a protection, but, with that exception, responsibility should lie with the secretary of state alone. Opportunity should be taken of another bill then pending to clear up "the mystery" which enabled the council, under cover of vetoing money questions, to interfere in every other measure on the plea that it involved money considerations and thus to become "an incubus on the minister".[1]

On this occasion Lord Salisbury was followed by his successor in office, the Duke of Argyll, who assured him that there was no mystery. The true interpretation of the law was that the secretary of state was "absolutely supreme" in financial, as in other matters, and could overrule his council whenever he thought fit to do so. The duke was aware of no case in which the council had set up its authority in opposition to the will of the secretary of state. On 19 April, in bringing forward the "Government of India Act Amendment Bill", he explained to the House the history of clause 41 in the act of 1858 which had given rise to Lord Salisbury's contention. Considerable discussion followed, and extended over 29 April, when the bill was read a second time, to 13 May, when Lord Salisbury moved and withdrew an amendment. The subject revived in a debate in the House of Commons on 17 August, 1880, when it was raised by Fawcett, the economist, afterwards postmaster-general.[2] The view eventually taken was that the true intentions of parliament in enacting clause 41 of the act of 1858 were to impose constitutional restraint on the powers of the secretary of state with respect to the expenditure of money, but by no means to extend the effective assertion of this restraint to all cases, especially where imperial questions were concerned. The secretary of state was a member of the cabinet and in cabinet questions the views of the cabinet must prevail. It was never intended that the council should be able to resist the cabinet by stopping supplies. *Vis-à-vis* the secretary of state, as representing the latter, the Council of India possessed no veto. As Sir Henry Maine expressed it, "any such power given to the council and exercised by it would produce before long a combination of both the great English parties to sweep away the council itself".[3]

In the course of the debate in the House of Lords on 13 May, 1869,

[1] Hansard, CXCIV, 1074. [2] *Idem*, CCLV, 1452.
[3] Unpublished memorandum.

the Duke of Argyll stated[1] that Lord Salisbury had been moved to raise the question by the opposition which his council had offered to a project put forward by certain commercial bodies to which the secretary of state had agreed. The council had been supported by the Government of India, but had eventually given way. In any case, clause 41 of the act of 1858 survived Lord Salisbury's assault.

The "Government of India Act Amendment Bill", which produced the Lords debate of 13 May, 1869, contained proposals for altering the life-tenure of members of the Council of India to one of ten years, which might, for reasons of public advantage, be extended to fifteen years. The secretary of state justified his recommendation by the rapid changes which were taking place in India, largely as a result of extending railway communications, and by the need of not only intimate but recent Indian experience on his council.[2] His views were accepted by the House. Lord Salisbury moved an amendment to the bill proposing that in future all members of the council should be appointed by the crown. None should be co-opted by the council itself. The amendment was carried and embodied in the bill, together with a provision transferring from the secretary of state in council to the crown the right of filling vacancies on the councils of the governor-general and governors in India. The general effect of the legislation and debates of 1869 was to strengthen the position of the secretary of state *vis-à-vis* his council. His position *vis-à-vis* the Government of India was fortified by the completion in 1870 of a direct telegraph line between India and England by submarine cable through the Red Sea. He could thus less than ever be confronted with accomplished facts.

For years after 1869 the history of the Council of India was uneventful. When Lord Salisbury again presided over the India Office (1874–7) his Afghan and North-West Frontier policy, especially the occupation of Quetta and the separation of the trans-Indus districts from the Panjab, was strongly opposed by members of his council who followed Lord Lawrence's lead.[3] But a secretary of state who could rely on cabinet support could now certainly get his way. Although, according to Lord Salisbury's biographer, he was a believer "in the virtue of a single inspiration and in the evil of hampering it by the intrusion of competing ideas", he was exercised by the problem of combining an independence of initiative in the government of India with his own responsibility for final decision, and considered that it could be solved only by private correspondence between himself and the viceroy.[4] He carried this doctrine to lengths to which Lord Northbrook refused to follow him.

Lord Northbrook recognised the subordinate position of the viceroy but held that parliament had conferred certain rights, not only on the viceroy, but on his

[1] Hansard, CXCVI, 700.
[2] *Idem*, CXCV, 1077–8. Cf. Martineau, *op. cit.* I, 356–7.
[3] Lady Gwendolen Cecil, *Life of Lord Salisbury*, II, 159.
[4] *Idem*, pp. 65–6.

council, which differentiated the latter in a very notable degree from subordinate officials.[1]

Lord Cromer has stated that Lord Salisbury was disposed to reject, and, he thought, to underrate, the value of the views of Anglo-Indian officials.

This does not appear to have been the practice of some of his successors. Lord George Hamilton, who first as under-secretary and afterwards as secretary of state introduced thirteen Indian budgets in the House of Commons, writes that the Council of India was really a cabinet with the important exception that its procedure and powers were prescribed by an act of parliament. It had absolute control over Indian expenditure. It preserved an unbroken record of the reasons for expenditure of all kinds and performed the business of checking far more effectively than the treasury, obtaining better results from the expenditure sanctioned.[2] Lord Randolph Churchill found the council "an invaluable instrument".[3]

As regards the general policy of the India Office in the latter years of the nineteenth century, although relations between India and England had become more intimate, involving a constantly increasing degree of interference, and though the cases in which final orders could be passed in India had become less frequent, yet the secretary of state did not constantly interfere in the ordinary work of Indian administration, but mainly confined his action to answering references from the Indian government. Apart from great political or financial questions, the number or nature of these references depended on the character of the governor-general for the time being. The secretary of state initiated almost nothing. In domestic affairs the Indian government was almost independent so long as it was content to carry on without largely increasing the cost of existing establishments or incurring new and heavy charges. The secretary of state had no disposition to interfere needlessly in the details of administration in India, but was sometimes subjected to pressure which could with difficulty be resisted. On such occasions the council was extremely useful. It further assisted in preserving continuity of administrative principles in India where the official personnel was necessarily always changing.[4]

The views of the majority of the Council of India on the subject of divided control of the India army provoked the impatience of Lord Ripon who, at the close of the first year of his viceroyalty, complained of the increasing interference of the India Office which he ascribed to the "subordinates", and the fact that Lord Hartington, then secretary, was overworked with other than Indian business. But had the same

[1] Mallet, *Life of Northbrook*, p. 91.
[2] *Parliamentary Reminiscences and Reflections* (1874–1880), pp. 3[illegible]7–8.
[3] Winston Churchill, *Life of Lord Randolph Churchill*, I, 475.
[4] Strachey, *India*, pp. 74–81 (1911 ed.).

viceroy received the warning drawn up by Sir Henry Maine, the most prominent member of the then existent Council of India, relating to the projected Ilbert bill, he might have been saved from a course of action which he lived to regret bitterly. The council had in 1883 desired Lord Hartington, then secretary of state, to transmit Maine's "secret" memorandum to the viceroy; but this was not done, and they were subsequently consoled by Lord Kimberley, Hartington's successor, with the just reminder that they should formally have conveyed the warning themselves.[1]

Meantime the constitution of the council was slightly altered. In 1876 the secretary of state was allowed to appoint not more than three special experts (legal or financial) on the old tenure of good behaviour. In 1889 he was allowed to abstain from filling vacancies until the number of members should be reduced to ten. Reduction was asked for in the interest of economy. In the previous year the council had been joined by one of its most distinguished members, Sir Alfred Lyall, described by Lord George Hamilton as his "right-hand adviser", who held office for fifteen years and has left us some passing impressions of its proceedings. Fresh from governing great provinces he wrote:

> The India Office is comfortable and convenient, but rather depressing: in the first place, death visits the council rather frequently: secondly, we have all rather the look of old hulks laid up in dock, and are men who have said good-bye to active service; thirdly, the distance and difference between London and India makes one feel as if looking at things through a glass darkly, and not face to face, and in a year or two I shall begin to distrust my own judgment....In council we stand up and orate, which breaks down desultory discussion, but is no good for thrashing out questions.[2]

Again, he says "one can prevent some mischief but do little good on the council". A year later, however, he liked his work, found that it gave him enough to do and even more than he cared for. In 1894, with all his colleagues, he protested vainly and vigorously against the exclusion of cotton goods from the general import duty of 5 per cent., as a serious concession to British interests which would damage Indian confidence in the British Government.

Neither parliament nor the secretary of state was inclined to interfere with the administration of India as long as all went well and Indian affairs hardly touched British politics. Between 1880 and 1905 so little did parliament seriously concern itself with Indian domestic business that in 1889 and 1891 the secretary of state was able to disregard resolutions of the House of Commons relating to the opium trade,[3] and in 1894, after consulting the Government of India, he declined to take action on another resolution of the same House in favour of simultaneous examinations in England and India for ad-

[1] Wolf, *Life of Ripon*, II, 137–9.
[2] Durand, *Life of Lyall*, p. 322.
[3] Debates of 3 May, 1889, and 10 April, 1891, Hansard, CCCXXXV, CCCLII.

mission to the civil service.[1] The general feeling in this country was that Indian affairs were safe in the hands of the Indian government; and as late as 1904 Lord Curzon, after his first term of office, struck no jarring note when he asked that his government might not be bothered with "an excessive display of parliamentary affection" and declared that the ideal party in England for people in India was the party which would act "both as the impartial umpire as well as the superior authority in the disputes that sometimes arise between us, and that will not unduly favour the home country at our expense".

A year later, however, the viceroy resigned in consequence of a difference with the Home Government and secretary of state, the bitterness of which is recalled by some of his last words.[2] The quarrel came as a climax to various disagreements, and at one time Lord Curzon, with evident injustice, ascribed to the members of the Council of India "a desire to thwart and hinder his work".[3] After his departure a new era began. The partition of Bengal produced a violent agitation; a revolutionary movement gradually emerged into view; a scheme of wide constitutional reform was projected; and in 1907 John Morley, then secretary of state, desiring to add two Indian gentlemen to his council, introduced and carried through parliament a bill which empowered him to increase the strength of that body from twelve to fourteen. No member would be appointed who had been absent from India for more than five years; and no member would hold office for more than seven years. Salaries of members were reduced from £1200 to £1000.

General J. H. Morgan says that no more autocratic secretary for India ever reigned at Whitehall,[4] none ever consulted his council less, and none ever admonished a viceroy more. It must be remembered that Morley was subjected to considerable pressure from the left wing of his own party. But there is ample evidence to support General Morgan's views, both in a letter from Lord Minto to Lord Stamfordham dated 5 July, 1910,[5] and in Morley's own *Recollections*. Yet it is evident that at one time Morley was anxious not to depress but to elevate the position of the Council of India. In August, 1907, he invited Lord Cromer to join[6] it and Cromer consented. Then the secretary of state discovered that the act of 1858 forbade the appointment of anyone "capable of sitting and voting in parliament". He wrote to Minto on 23 August, 1907, that he would propose to the cabinet that the law should be altered, for Cromer would "give to my council a strength and authority in the public eye, of which, if we are in for troublesome times, we shall stand in much need". The project, however, unfortunately fell through; and Morley was left with councillors, none of whom individually carried weight in parliament.

[1] Pp. 368–70, *infra*.
[2] *British Government in India*, II, 255.
[3] Ronaldshay, *Curzon*, II, 237.
[4] *John Viscount Morley, an appreciation*, p. 32.
[5] Buchan, *Memoir of Lord Minto*, p. 311.
[6] Morley, *Recollections*, II, 233.

Regarding some of these as reactionary, he opened his doors wide to irresponsible advisers;[1] and finding no particular difficulty in getting his own way, absorbed in the fascination of his task, gathered more and more power into his own hands, much to the vexation of a long-suffering viceroy.[2]

The close of the Morley régime found the late Mr E. S. Montagu, as parliamentary under-secretary, enquiring into the conduct of business at the India Office. The Marquess of Crewe, its new head, introduced proposals for reform which appear to have largely emanated from Montagu, and were rejected by the Lords after an illuminating debate.

On 31 July, 1913, in answer to a question put by Viscount Midleton, Lord Crewe announced his intention of introducing proposals for legislation which would facilitate and quicken India Office procedure by making the transaction of council business by committees exceptional and no longer usual.[3] Members of council would now be attached to particular departments. They would be reduced to eight or ten, the two Indian members being retained, and would become whole-time servants, their salaries being raised once more to £1200. They must possess recent experience, and, if qualified by official service, would sit on the council in the concluding years of their active service and not in the first years of their retirement. The secretary of state emphasised the value of the council, which assisted him by enabling matters to come up for decision in a more compact and concentrated way than they did in other offices. He derived marked advantage in case of a difference of opinion and a discussion on a particular subject in council, from being obliged to present that subject in a more accurate form than he probably would do if he had only to argue the pros and cons of it with himself. Moreover, and this was by no means the least important point, the council greatly strengthened the position of the secretary of state in dealing with the government of India, especially if he were a new-comer to office.

> If the existence be conceived of a viceroy backed by a body of local experts of long practical experience, then, I think, the secretary of state would need to be a Bismarck to hold his own in any controversy against so powerful a combination as that, and the only result, as I think, would be that India might be brought more often than it is into the cockpit of parliamentary politics.

The council's financial powers were such that in theory it might make the government of India under our parliamentary system almost impossible; theoretical possibilities, however, need not alarm practical men who were anxious to agree if they could. A proof of this was that in matters not financial "in which the secretary of state could overrule his council", such a step had been taken only "on the very rarest occasions". In 1914 Lord Crewe introduced a "Council of India"

[1] Cf. Hansard, cxcv, 1083. [2] See Buchan, *op. cit.* p. 312. [3] Hansard, xiv, 1574–86.

bill based on these views and including two novel proposals: (*a*) for imposing statutory obligation to appoint two persons domiciled in India to the council, selected from a list drawn up by the non-official members of the imperial and provincial legislative councils in British India; (*b*) for amplifying the list of "secret" matters with which, under the act of 1858, the secretary of state could deal exclusively.

The bill was rejected by a large majority of the Lords. It was strongly condemned by Lord Curzon as designed to withdraw from the council's cognisance an enormous number of questions covering the whole sphere of Indian government and to reduce that body, which by its passive acquiescence in the removal of the capital from Calcutta to Delhi had already shown itself flexible and pliant, to "an impotent and costly sham".[1] In proposing to compel the secretary of state to choose two Indian politicians as his councillors, it was forgotten that the council was a body of experts, not one of politicians or public speakers.

Lord Curzon's reference to the Delhi policy takes us back to certain incidents of the year 1911 which formed an extraordinary episode in the constitutional history of British India.[2]

In 1876 Disraeli's government introduced a Royal Titles bill which was intended to mark the new relation which, since 1858, the sovereign had occupied towards her subjects in India. The bill passed through parliament by a very large majority; and in Mr Buckle's words:

> The world understood that a new pledge had been given of the determination of the British crown to cherish India; and her princes and peoples understood that their sovereign had assumed towards them a nearer and more personal relation.[3]

At a great durbar held at Delhi on 1 January, 1877, Queen Victoria was proclaimed "Queen-Empress of India". On 1 January, 1903, at a second Delhi durbar her successor was proclaimed "King-Emperor". On 12 December, 1911, there was a third Delhi durbar, distinguished beyond its predecessors by the presence of the sovereigns themselves and by the remarkable announcements which were made, on the advice of his ministers, by the king-emperor. Up to that time all changes of signal importance in the government of India had taken place after full discussion in parliament and under parliamentary sanction. Now, however, changes of great moment were proclaimed of which parliament had no previous cognisance. At the durbar His Majesty announced that the capital of India would henceforward be Delhi and not Calcutta; the partition of Bengal, which had caused such bitter controversy, would be revoked; Bengal would be one province under a governor in council; a new province of Bihar and Orissa would be created; Assam would once more be the charge of a chief commissioner. These measures, which necessarily involved heavy expenditure and far-reaching consequences, naturally pro-

[1] Hansard, XVI, 484. [2] Curzon, *op. cit.* II, 119.
[3] *Life of Disraeli*, IV, 93, 167; V, 471.

voked the criticism that the cabinet had "used the authority of the sovereign to settle in their own way an issue of an acutely controversial character".[1] They originated with the governor-general in council, found favour with the secretary of state and the Asquith cabinet, and were therefore accepted by the Council of India, who can hardly have obtained an opportunity to give even a passing thought to the large issues and heavy expenditure involved. Approval was transmitted to the governor-general; and parliament only became aware of all that was contemplated after His Majesty had made the announcement. Lord Crewe argued *inter alia* that in fact the action taken was administrative and did not require parliamentary sanction. The original partition of Bengal had been carried out without reference to parliament. But in fact these later changes were of far greater moment even than that ill-starred measure.

In the third year of the last war, the Council of India and the India Office came prominently before the nation. The management and conduct of the campaign in Mesopotamia had been originally entrusted to the government and military authorities in India. The commission of enquiry which was appointed, after the capture of Kut-el-Amara by the Turks, and sat in London, commented unfavourably on the India Office organisation and on the substitution of private telegrams from the secretary of state to the viceroy for public telegrams which would have passed through or been communicated to the Council of India. The practice had so much developed of recent years as to make the private telegrams "almost the regular channel of official inter-communication".[2] There were strong and obvious objections to this procedure. The private telegrams, moreover, did not always remain in the office, for Lord Morley had taken his away. Neither the Council of India nor the governor-general's council had been kept in touch with the varying fortunes of the Mesopotamian expedition, the control of which had been

> narrowed down to two high officials, both heavily charged with many other anxious and pressing duties, and both permanently stationed in localities which had little, if any, private or personal touch with the forces campaigning in Mesopotamia.[3]

The conclusions of the commission were debated in both houses of parliament and led to the resignation of the secretary of state, Mr Austen Chamberlain, who had succeeded late to a situation created by others. His predecessor, Lord Crewe, contended in the House of Lords that the policy of the expedition all through was a matter for the cabinet and the cabinet alone.[4] His own private telegrams of importance relating to this matter had been made official and were preserved at the India Office.

Lord Islington, under-secretary of state, admitted that private telegrams had been excessively employed.[5] In future they would be

[1] Lord Curzon, *ap.* Hansard, XI, 142. [2] *Report of Mesopotamia Commission*, p. 102.
[3] *Idem*, p. 103. [4] Hansard, XXV, 929. [5] *Idem*, 952.

fewer and wherever possible would be made "official" after dispatch. The India Office was not established or equipped for the conduct of an extended campaign outside India.[1]

Lord Curzon said that without the machinery of private letters and telegrams the government of India, an "amazingly complex and dual form of administration" which had two chiefs, could not go on. Still these communications should not be employed to such an extent as to leave the Council of India at home in ignorance of what was being done. The secretary of state and the viceroy must not become "a kind of concealed duumvirate". They would gain by acting with, and not without, their councils. In the Commons Montagu, who was then out of office, had attacked the government of India as too wooden, inelastic and antediluvian for modern purposes. The British democracy had never enjoyed an opportunity of trying to rule India. Even if the House of Commons were to give orders to the secretary of state, that minister could be overruled by a majority of his council in vital matters. He knew of one case in which

> it was a very near thing, where the action of council might without remedy have involved the government of India in a policy out of harmony with the declared policy of the House of Commons and the cabinet.

The whole system of the India Office was designed to prevent control by the House of Commons, for fear that there might be too advanced a secretary of state. The statutory organisation of the office produced an apotheosis of circumlocution. The whole system of governing India must be explored in the light of the Mesopotamian Commission Report.[2]

Mr Chamberlain explained that both Lord Crewe and himself had acted in relation to the Mesopotamian campaign as spokesmen of His Majesty's government. Supreme control had been exercised by the secretary of state on behalf of and by direction of the cabinet. The India Office was not organised to conduct military operations and never attempted to do so. It would therefore have been better if from the first the control exercised on behalf of His Majesty's government had been vested in the General Staff or Army Council. All the private telegrams on which the commission had commented related to the levying of war, and might, under the act of 1858, have been marked "secret" instead of private, and then the commission's criticisms in this connection would have gone by the board. Nothing but injury could come to national, imperial and Indian interests by mixing up a debate on a military breakdown, or alleged military mismanagement, with the question of the whole future fabric of Indian government. His Majesty's government were already considering a dispatch from the Government of India on reforms in the political system of that country.

[1] Hansard, xxv, 956, 1027–8.

[2] *Idem*, xcv, 2199–210.

Immediately after the Mesopotamia debates Mr Austen Chamberlain resigned and was succeeded by Mr Montagu. The declaration of 20 August, 1917, shortly followed, and late in the same year, at the invitation of the viceroy, Lord Chelmsford, the secretary of state arrived in India. After preliminary conferences at Delhi, he toured to Calcutta, Madras and Bombay, accompanied by the viceroy, the home member of the governor-general's council and two members of the Council of India, one British and one Indian. On the conclusion of the tour, further consultations were held; and it was not until about the end of April, 1918, that Mr Montagu returned to England. The purpose of his visit had been to determine on the spot, and in consultation with the viceroy, what steps should be taken in the direction of establishing in India government responsible to the Indian peoples. The joint report of Mr Montagu and Lord Chelmsford, published in July, 1918, was framed after prolonged discussion with the council of the governor-general and met with unanimous support from the Council of India as "on the whole recommending the measures best adapted to ensure safe and steady progress in the desired direction". It formed the basis of the act of December, 1919, which materially changed the constitution under which India had been governed since the end of the Mutiny.

We have noticed the parting advice of the directors of the East India Company and the main principles which underlay the legislation of 1858. It was parliament which deliberately organised the system denounced by Mr Montagu in 1917. It was parliament which, desiring to accord all possible independence to the Council of India, arranged for that body to contain first an elected and then a co-opted element. When the legislation of 1869 had invested the secretary of state with power to appoint all his councillors and with certain other powers of appointment, the council declined in importance, but for long maintained a strong position as an advisory and, in some measure, a controlling body. Under the Morley régime a further decline set in, which apparently accelerated rather rapidly.

While defending his proposals to the House of Lords in 1914, Lord Crewe asked consideration for "the perpetual and in some respects ever-increasing control of parliament, the ever-increasing force of public opinion in India, and the power of the press in England and India". With regard to the influence of parliamentary control on the working of the India Office, Lord George Hamilton remarks:

> The moment a crisis occurs, then the department affected which, for the time being, is working at the very highest tension, is bombarded with questions, interpellations, and demands for returns, which not infrequently absorb many hours of attention from the very officials who are best qualified to deal with the emergent subject.[1]

But in pre-war days crises were infrequent, and Lord Crewe's plea

[1] *Parliamentary Reminiscences and Reflections* (1886–1906), p. 259.

for changes which cut at the root of the basic principle of the act of 1858 is hardly reconcilable with the testimony of the Montagu-Chelmsford Report that parliamentary interest in India was neither well-informed nor well-sustained.

Parliament, according to Mr Montagu and Lord Chelmsford, should have devised a substitute for the prolonged inquests which preceded periodical renewals of the Company's charter. Its omission to do this was largely responsible "for our failure, in the face of a growing nationalist feeling in India, to think out and work at a policy of continuous advance".[1] Was this omission then a grave mistake?

The parliamentary inquests of pre-Mutiny days did much good. They belonged to times which were more leisurely than our own, when the East India Company and its servants were well represented in parliament, and some front-rank statesmen carefully studied Indian affairs. Several speeches, for instance, delivered in the House of Commons on the East India Company bill of 1853 are remarkable for their intrinsic value as well as for the position of the speakers in public esteem. It is instructive to compare the debates on that measure with the debates on the Government of India bill of 1919. In 1853 the bill, which had been prepared after long enquiries by committees of both houses, was brought in on 9 June after three nights of discussion distinguished by remarkable speeches by Wood,[2] then president of the Board of Control, by John Bright and by Sir James Hogg, chairman of the court of directors. The second reading lasted four nights.[3] Among the speakers were Macaulay, Cobden, Bright, Disraeli and Lord John Russell. The bill was afterwards before a committee of the whole house for eight nights, and was read a third time and passed on 29 July.[4] The Government of India Bill of 1919, on the other hand, was presented to the House of Commons on 29 May, was read a second time on 5 June[5] and was on that day sent to a joint committee of both houses on which the lower house was represented by seven members. The bill was recommitted on 3 December, 1919, considered by the Commons on that day and the next, and was read a third time on the 5th.[6] The president of the Board of Education was the only member of the cabinet beside the secretary of state who made any contribution to the debates. The leaders of the Independent Liberal and Labour parties made brief speeches. There was little inclination to examine in detail the weighty recommendations of the joint committee. The debates were meagre.

Between 1858 and 1914 two processes were accelerating. In England, domestic, Irish and foreign affairs were making more and more insistent demands on the time and thoughts of members of parliament; in India administration was becoming more elaborate

[1] Report on Indian Constitutional Reforms.
[2] Hansard, CXXVII, 1093, 1095, 1195, 1230, 1277, 1299, 1352.
[3] *Idem*, CXXVIII, CXXIX.
[4] *Idem*, CXXIX, 1009–45.
[5] *Idem*, CXVI, 2295–411.
[6] *Idem*, CXXII, 429–538, 649–790.

and complex. There was no longer a court of directors with representatives and friends in the House of Commons. Secretaries of state for India were increasingly left by preoccupied cabinets and over-busy parliaments to shape their own policy. They gradually emancipated themselves from their council and became more absolute until, shortly after the close of our period, a secretary of state[1] ventured on a remarkable departure in policy without cabinet sanction and was compelled to resign office. It is certain that none of his predecessors desired that periodical parliamentary inquests of the old kind should be renewed. The idea was considered and abandoned by Lord Morley,[2] who was fully aware that whereas those enquiries were held in an atmosphere altogether remote from India, in widely different times, and were therefore unproductive of any racial excitement in that country, conditions so favourable to searching and fruitful investigation had gone for ever. Perchance, too, he had read these weighty words of Sir Henry Maine:

> It would not be thought a very safe or happy constitutional rule for any civilized European country that all its political, judicial, administrative and even social institutions (for these last in India cannot be wholly separated from the others) should be thrown into the crucible every twenty years. But if this experiment is to be tried, why of all countries should it be tried on India?

Maine argued that in view of the intense conservatism of the Indian masses, of their singular liability to agitation and panic, they were unlikely to be favourably impressed by the knowledge

> that everything connected with the system under which they lived was to be brought into question and that everybody was to be heard against it. Such enquiries were formerly comparatively innocuous because in fact the people of India knew little about them. But India had now been brought close to our shores by the electric telegraph and the canal, and there are many agencies, unknown even in 1853, which spread through the people more or less distorted representations of what is doing in England.[3]

He went on to suggest that the remedy for parliamentary ignorance of Indian affairs might be the constitution of a joint committee of both houses, which would be brought into contact with Indian finance and would create gradually a class of members familiar with Indian questions.

Such a joint committee now sits. But if the parliaments of the period of 1858–1918 failed, for obvious reasons, to study Indian affairs with much care or thoroughness, they kept their eyes firmly fixed on some essential principles of policy. They trusted their agents and treated their servants with fairness and consideration. They dealt in a generous and non-party spirit with such proposals for constitutional reform as were put before them by responsible ministers. In financial questions they desired to treat India with ample fairness. There is no more striking instance of this than the attitude of parliament in regard

[1] The late Mr E. S. Montagu. [2] Morley, *Indian Speeches*, pp. 22, 50.
[3] Minute by Sir H. Maine, 8 November, 1880.

to the apportionment of the cost of employing Indian troops outside India on occasions when the interests of the people of that country did not appear to be directly affected.[1] Even in the financial year 1913–14 the contribution of India toward the upkeep of the imperial navy, from which she was soon to benefit so feelingly, was only £164,000.[2] This considerate spirit met with a just and welcome reward when on the outbreak of the great war a resolution was moved by a private member on the viceroy's legislative council and carried unanimously, stating that India would "desire in the present emergency that she should be allowed not only to send her troops but to contribute the cost of their maintenance and pay".[3]

It is certain that no measure ever passed by parliament has better fulfilled its purpose than the Royal Titles Act. Lytton Strachey remarks of our English polity that it was in the main a common-sense structure; but there was always a corner in it where common sense could not enter, where, somehow or other, the ordinary measurements were not applicable and the ordinary rules did not apply. "So our ancestors had laid it down, giving scope, in their wisdom, to that mystical element which, as it seems, can never quite be eradicated from the affairs of men." It is certain that like our own mind, and to a far greater extent, the Indian mind craves for "an unexplored inexplicable corner" in a polity. And if there is something which awakens a feeling of the bonds which unite mankind in the thought of the connection between the Indian people and ourselves, it is certain that without a symbol of unity which will appeal to both alike, that feeling would rapidly dwindle. The crown worn by Queen Victoria and her successors has been far more than a mere symbol of unity. It has been a strong power[4] and a reconciler in India.

[1] Cf. Hansard, 1882, CCLXXIII, 255–307. [2] *Idem*, 1914, LX, 347. [3] *Idem*, LXVI, 956.
[4] Cf. Maconochie, *Life of an Indian Civil Servant*, p. 125; Lawrence, *The India We Served*, 239–41.

CHAPTER XII

THE INDIAN GOVERNMENTS

THE CENTRAL AND THE PROVINCIAL GOVERNMENTS IN INDIA, 1858–1918

THE chief of the government in India, the man on the spot there, was first styled "viceroy and governor-general" in the famous proclamation of 1858. The title of viceroy was not conferred on the governor-general by any parliamentary statute although it is used in the warrants of precedence and in the statutes of the knightly orders. Where the governor-general is regarded as the representative of the sovereign he is spoken of as viceroy; where he is referred to as the statutory head of the Government of India he retains his original title.[1]

The superintendence, direction and control of the civil and military administration were still vested in the governor-general in council, who was now required by the Government of India Act of 1858 (21 & 22 Vic. c. 108) to pay due attention to such orders as he might receive from the secretary of state. One of the most arduous tasks before Lord Canning and his council was the preparation of proposals for reshaping the central government and the governments of Madras and Bombay. New machinery for legislation had also to be considered.

THE NEW EXECUTIVE COUNCILS

The changes to be made in the executive councils, and more particularly in his own council, had for some time engaged Canning's anxious thought. He corresponded first with Stanley and then with Wood on the subject, and, although the letters exchanged were private and confidential, their drift can be clearly gathered from minutes preserved in the India Office and from Canning's correspondence with Lord Granville.[2] He was evidently dissatisfied with the Bengal civil servants who had been his original councillors; and it was only when James Wilson arrived from home as financial member, and Bartle Frere joined the council from Bombay, that his ideas gradually changed. He was still more dissatisfied with the system of collective business which he found in operation. The council was working as a board and deciding all questions by a majority vote, the governor-general possessing an overruling power in matters of grave importance. Canning wrote to Stanley that, as he was personally

[1] Curzon, *British Government in India*, II, 49; Strachey, *India*, p. 50.
[2] Fitzmaurice, *Life of Granville*, vol. I, chaps. vii, xiv.

responsible for everything, he would manage better if he were relieved from the necessity of discussing questions with a council. Let the government of India be vested solely in the viceroy and let him be able to appoint secretaries to assist him. He would consult the secretary of the department concerned as to particular business, and should there be a conflict of opinions, he would admit other secretaries to the discussion. To such an arrangement there were two objections—first the impossibility of leaving a glorified secretary to carry on the supreme government in Calcutta when the governor-general left the Bengal Presidency, and second the difficulty of providing for the conduct of relations with the legislative council and for the management of that council. He made suggestions for overcoming these obstacles.

Stanley was inclined to agree in principle and laid the matter before a committee of his council, which, on 23 May, 1859, decided by a considerable majority that the executive councils at Calcutta, Bombay and Madras, should all be remodelled on this basis. The "officers of the departmental secretariats" would be the responsible advisers or councillors of the governor-general and of local governors. But methods for carrying this idea into effect had still to be considered. On 18 June, 1859, Stanley gave place to Wood, who appointed a fresh committee to deal further with the matter. A majority of this committee held that the main principle had been accepted. The government of India should be vested by law in the governor-general alone. He should be assisted by as many secretaries as might be thought necessary. The pay of each secretary would be 65,000 rupees per annum.

Secretaries would be nominated by the governor-general, subject to confirmation in office by the secretary of state. The governor-general would be able to consult any or all of his secretaries as he pleased, but would take decisions himself.

These resolutions, however, provoked strong memoranda from H. T. Prinsep, the protagonist of the Orientalists in 1835, who was now one of the dissentients. He pointed out that in fact Canning's proposals went far towards "unmitigated bureaucratic despotism", and that "for the sake of independence" the advisers of the governor-general or governor ought always to be selected by superior authority. He urged other considerations. The confidential reports of the two committees were sent out to India and were strongly criticised there, notably by Frere, who minuted on 29 December, 1860, that what the governor-general had always wanted was not fewer and less responsible but more and more responsible advisers, always preserving the power to act entirely on his own view without hindrance from their dissent. There should be a proper division of labour, each councillor having his own department to which he could devote his continuous attention instead of all consulting or pretending to consult

on every matter, great or small, as used to be the theory and pretended practice. Canning had already effected an improvement in procedure.

In a letter to Wood of 15 May, 1860, Frere had already urged that the proposals of the two Council of India committees would, if adopted, both add to the governor-general's work and seriously diminish his ability to do it. They would also tend to draw more power to England, rendering it impossible for the governor-general to take any important step without the approval of a majority of the council of the secretary of state, a most undesirable *dénouement* as India was changing even faster than England and the Indian experience of even ten years ago was misleading. He did not speak of the experience of such statesmen as Mountstuart Elphinstone, whose wisdom was never obsolete.

Frere showed his letters to Canning; and combined with actual experience of intervention from the India Office his arguments went far to change the viceroy's mind.[1] Canning had introduced the portfolio system of doing business into his council. The ordinary work of departments was now distributed among the members and only the more important cases were referred to the governor-general or dealt with collectively. Moreover the reform of the legislative council was now bulking largely before his eyes. In a letter to Wood of 4 February, 1861, he abandoned the proposal that secretaries should take the places of councillors. The main point would now be that each councillor should be identified with a department and should be able to deal with something more than technicalities. Boxes would no longer go round carrying papers which could be disposed of without circulation. "We have", he wrote, "reformed ourselves a good deal, but I should like to see the new status of members recognised by Act of Parliament." The dispatch was going by that mail. The proposals were in "as quiet a form as possible". The reform of the legislative council was "now far more pressing than that of the Executive Council".

Wood had originally contemplated a bill for each of these reforms but instead on 6 June, 1861, introduced one which dealt with both. The Mutiny, he said, had aggravated the difficulties of administration. In fact it would be folly to shut our eyes to the increasing difficulties of our position in India, and for this reason we should put all our institutions there on the soundest possible foundation. In the Lords Earl De Grey and Ripon,[2] under-secretary of state, explained that the policy was "to limit the changes as much as possible and to make those only which experience showed to be necessary".

The Councils Act of 1861 (24 & 25 Vic. c. 74) established a governor-general's executive council of five ordinary members. In 1853 the

[1] See Canning to Frere, 24 October, 1860, *Life of Frere*, I, 358.

[2] Afterwards secretary of state for India, 1866; viceroy of India, 1880–4. Hansard, 9 July, 1861, p. 586.

legal member had been permitted to sit and vote at all council meetings. He had become a fourth ordinary member. But the disorganisation of public finances caused by the Mutiny had led to the appointment of a trained financier as fourth member. A jurist, however, was also needed, as the law was in process of codification, and even the Penal Code, which had originally been drafted by Macaulay, was still incomplete, so a fifth member was added to the council. Of the five members three must have served the crown or the Company in India for not less than ten years. One of these was a military member, always a distinguished soldier; the other two were civil servants who up to the year 1859 had always been selected from the Bengal Presidency. The fourth member was a financial expert, who might or might not have served the crown or the Company previously; and the fifth or legal member was a barrister of England or Ireland, or a member of the Faculty of Advocates in Scotland of at least five years' standing. The commander-in-chief might be, and in practice always was, an extraordinary member who divided with the military member the responsibility for the military administration of the country. He was the executive head of the army and was charged with its organisation and preparation for war as well as with questions of promotion. His office was known as army headquarters and was distinct from the military department of the government which, presided over by the military member, concerned itself with the control of supply and transport, with ordnance, remounts, clothing, medical stores, military works and military finance, and above all with the preparation of the military budget. Proposals for military reform or expenditure went from army headquarters to the military department of the Government of India where they were noted on, and, if involving expenditure, further proceeded to the finance department. Finally they reached the viceroy through the military member of council. If the viceroy, the military member and the commander-in-chief were in general agreement, the proposals were carried out. But if there were disagreement a proposal was either referred back for further consideration or was laid before the governor-general in council, debated on, and accepted or rejected by a majority of votes.

Every ordinary member of the governor-general's council, assisted by a secretary, under-secretaries and a sufficient office establishment, presided over certain departments of the central government. The governor-general himself held charge of the foreign department which conducted the correspondence of India with neighbouring powers; he kept the London cabinet informed on questions of Asiatic policy connected with India, and supervised the affairs of the native states. The British representatives at the courts of ruling princes were the agents of the governor-general and not the representatives of the Government of India.

The distribution of departments among ordinary members of

council was a matter of custom, not of law. The act of 1861 conferred on the governor-general the power to make rules and orders for the more convenient transaction of business in his council other than the business at legislative meetings, and provided that every order made and every act done in accordance with such rules and orders must be treated as being the order or act of the governor-general in council.[1] Canning's reforms in the conduct of business were thus sanctioned by statute and the portfolio system was firmly established. Councillors were able to dispose of unimportant cases belonging to their departments in the name of the Government of India. Cases in which two departments differed, or a member proposed to overrule a local government, or important issues were involved, were laid before the viceroy together with the views of the members in charge and of their secretaries. Differences of opinion between a member and the viceroy were referred to a full council, where decision was taken in accordance with the views of the majority. If opinions were equally divided the president had a casting vote. But if a measure were proposed which seemed to the governor-general to affect essentially the safety, tranquillity or interests of "the British possessions in India", he could overrule the majority of his council. In such cases any two members of the dissentient majority might require the transmission to the secretary of state of the decision taken together with their minutes of dissent. This overruling power of the governor-general's, which came down from the acts of 1786 and 1793, was reaffirmed and slightly expanded by an act of 1870. But however widely the views of a viceroy might originally differ from those of a majority of his councillors, there was almost invariably a compelling desire for compromise.[2]

If the governor-general in council declared it to be expedient that he should visit any part of India unaccompanied by his council, he could in council appoint a member to preside at meetings held in his absence, with all the powers of the governor-general except those relating to legislation.[3] Should the governor-general be absent from a council meeting through indisposition, the senior ordinary member presided.

Thus the Government of India became a cabinet government presided over by a governor-general, business being carried on departmentally and the governor-general taking a more active and particular share in it than is taken by a prime minister in a Western country or than had been taken by any of his predecessors. The system remained unaltered during our period. But a sixth ordinary member was provided, by act of parliament, in 1874, to preside over the depart-

[1] Ilbert, *Digest*, sec. 42 (2), p. 103.

[2] See, for instance, Wolf, *Life of Lord Ripon*, II, 50. Lord Curzon wrongly adds the abandonment of Kandahar to the instances in which a viceroy overruled his council (*op. cit.* II, 73).

[3] Ilbert, *Government of India*, pp. 187–8, clauses 45–6.

ment of public works. In 1904, on the recommendation of the secretary of state, the power of appointing a member to this particular department was converted into a general power, and the public works member was replaced by a member for commerce and industry.

The next change in the personnel of the council came after warm discussion and led to the resignation of Lord Curzon in 1905. The commander-in-chief, Lord Kitchener, had advocated the abolition of the military member and the replacement of the military department of the Government of India by an army department presided over by the commander-in-chief. This proposal was strongly resisted by the viceroy and the ordinary members of his council on the ground that, if adopted, it would concentrate military authority in the hands of the commander-in-chief and would subvert the supremacy of the civil power by depriving it of independent military advice. Lord Kitchener, however, maintained his views, urging that proposals from the commander-in-chief should not reach the Government of India through any second military adviser, who must necessarily be his junior in rank and his inferior in experience. Eventually Lord Kitchener's contention was in substance accepted and was followed by Lord Curzon's resignation. The commander-in-chief became the viceroy's sole adviser on all military questions. For a short period there was a military supply member of inferior status to the former military member; but this arrangement, as Lord Morley said, "proved good neither for administration nor economy". It ceased in 1909, and the vacancy at the council-board was filled in 1910 by a newly appointed member in charge of education and sanitation. For the closing years of our period and throughout the great war the council consisted of

(*a*) the commander-in-chief (extraordinary),
(*b*) the home member,
(*c*) the financial member,
(*d*) the legal member,
(*e*) the commerce and industry member,
(*f*) the education member,

all holding office for five years.

In the year 1909, on the recommendation of the viceroy and the secretary of state, a distinguished Hindu barrister, Mr (afterwards Lord) Sinha, was appointed legal member by the crown. He was succeeded by a Muhammadan barrister; and when the latter had completed his term of office, a Hindu high court judge was appointed education member of the central executive.

The viceroy and governor-general, although invested with paramount power in India, was the governor-general in council and, unlike the secretary of state, possessed a very limited power of separate action. Rarely, however, did viceroys wish to dispense with the assistance of their colleagues. John Lawrence was much vexed by

opposition from certain councillors; but he came to the viceroyalty a tired man,[1] had long been accustomed to govern alone in the Panjab, and was worried by the atmosphere of rapid evolution and frequent argument which he found in Calcutta. There is much truth in a sentence of Frere's on 20 March, 1868:

> no Governor-General since the time of Clive has had such power and opportunities; but he fancies the want of progress is owing to some opposing power which only exists in his own imagination.[2]

Lord Minto complained on 3 July, 1910, that he had

> constantly felt that he must depend upon himself alone with the exception of one or two advisers he had managed to secure and that the councillors sent him by Lord Morley were not only useless but mischievous.

But Minto evidently wrote under the influence of intense irritation with a secretary of state who "arrogated to himself complete independence" in making appointments to the council and would give little or no weight to the governor-general's objections.[3] As a general rule, viceroys and their councillors were drawn together, not only by identity of aim but by force of circumstances, by the logic of the palpable facts which encompassed all alike. Unity was generally achieved, for without it lay no salvation. Thus we see one of the strongest of viceroys, Lord Northbrook, jealously upholding the statutory rights of his council and refusing to be led into courses which might infringe those rights.[4] We find Lord Ripon, even when fully conscious of serious differences which separated him from the majority of his councillors, observing "There is a very strong desire to support the Viceroy, of which I have much proof".[5] We see Lord Curzon emphasising the gain to a viceroy of acting with, and not without, his council,[6] and Lord Minto asserting, in opposition to Lord Morley, the right of the Government of India, *as a body*, to be consulted about the Anglo-Russian agreement.[7] There were extremely few decisions for which the viceroy's council did not share responsibility with their president. Notable exceptions were the abolition of import duties on the coarser kinds of cotton cloths in Lord Lytton's days and the levy of a countervailing excise duty on Indian cotton goods in the time of Lord Elgin. In both instances the viceroy's action was due to pressure from the London cabinet; and on the second occasion his council protested so strongly against a measure which they considered unjust to Indian interests that the secretary of state, Sir Henry Fowler, considered it necessary to convey a weighty warning.

[1] Bosworth Smith, *Life of Lord Lawrence*, II, 429–41, 589.
[2] *Life of Frere*, II, 40 (Frere to Florence Nightingale).
[3] Buchan, *Memoir of Lord Minto*, p. 311.
[4] See Mallet, *Life of Lord Northbrook*, p. 91.
[5] Wolf, *op. cit.* II, 50. [6] Curzon, *op. cit.* II, 74, 112–19.
[7] Morley, *Recollections*, II, 178–9.

"A Government", he wrote, "whether in Downing Street or Calcutta, must act as a homogeneous body, not as representing certain political opinions, but as representing an executive authority which cannot act, whether in administration or legislation, efficiently unless they act unitedly....The existing law subjects the Government of India to the control of the Imperial Government, and the Secretary of State, who exercises that control, is responsible to Parliament. He cannot *hold office if the House of Commons disapproves of his official conduct.* India is by the Act of Parliament governed by and in the name of the Queen, and she governs by the advice of a responsible minister....So long as any matter of administration or policy is undecided, every member of the Government of India is at liberty to express an opinion; but when once a certain line of policy has been adopted under the direction of the Cabinet, it becomes the clear duty of every member of the Government of India to consider not what that policy ought to be, but how effect may best be given to the policy that has been decided on; and if any member of that Government is unable to do this, there is only one alternative open to him.... The Cabinet have decided that the English precedent applies, and therefore that the members of the (Viceroy's) Executive Council must, just as members of the Cabinet do here, vote together (at legislative meetings) in support of Government measures. If they are unable to do this, then the English precedent applies and the objecting Member resigns before he either abstains from voting or votes against the measure."[1]

These instructions were followed by the governor-general's councillors; but time brings its revenges, and in 1916 the reversal of the policy imposed on the Government of India in 1894 was initiated by that government and assented to by the secretary of state.

The New Legislative Councils

No government can govern effectively unless it can legislate. The subject of machinery for legislation was anxiously considered in Calcutta and in London. In 1853 Wood, as president of the Board of Control, had proposed and carried through parliament a measure designed to provide that the governor-general's council, enlarged for legislative purposes, should be simply a body which would assist the supreme government in making laws.[2] But Dalhousie started this body off with 136 standing orders and a Hansard of its own. Its debates were public. Of its additional members one was the Chief Justice of Bengal, another was one of the judges of the Supreme Court. The remaining additional members were officials from distant provinces who were not indisposed to import fresh ideas into the close atmosphere of Calcutta.[3] Somewhat to the consternation of Wood the council soon showed signs of considering itself "the nucleus of a constitutional parliament".[4] Dalhousie, one of the most arbitrary of governors-general, had viewed the prospect with no qualms.[5] But, as time went on, his successor found the debates sometimes embarrassing. He thought it "to be regretted that the Council was on its

[1] Mrs R. Hamilton, *Life of Lord Wolverhampton*, pp. 315–17.
[2] Wood to Dalhousie, 23 December, 1854 (Lee-Warner, *Life of Dalhousie*, II, 237).
[3] See *Life of Frere*, p. 309.
[4] See speech by Lord Ripon, under-secretary of state, Lords' Debates, 9 July, 1861.
[5] See Lee-Warner, *op. cit.* II, 234–5.

first creation invested with forms and modes of procedure so closely resembling Parliament".[1] Frere, who had to pilot government bills through the council, agreed and considered that the judges did the mischief.[2] In writing to the secretary of state he illustrated this view and found his correspondent entirely sympathetic. The existing council must go. But what was to take its place? Even as late as 18 February, 1861, Wood was uncertain. No one in 1853, he wrote, had dreamt of "a debating body with open doors and even quasi-independence". Lord Dalhousie began wrongly and everything had gone in the direction of fostering the notion of the council's being "an independent legislative body". It was all wrong and very unfortunate because there was always a sympathy in England for independent deliberation. Representative bodies, in any real sense, were impossible in India, and he did not think that "any external element would really do good". It might satisfy the English at Calcutta to have an English merchant or planter in the council, but he was not sure that it would improve the legislation; and Indians could not be put in who were "in any sense the exponents of active opinion, or who could take any part in the deliberations".

Frere, on 10 April, 1861, drew a vivid picture of racial tension which had followed on the Mutiny and of European non-official impatience of official legislation, urging strongly that it was impossible to recede[3] and that, in view of the course of events since 1853, Dalhousie was in the main right. Had he not taken the line which he took, things would have been worse than they were. The proper course now was to assist the viceroy with a sort of senate able to advise him in framing laws which could be of general application to all parts of India and in confirming or annulling laws shaped by the provincial legislatures which had been abolished in 1833 but must now be restored. Whether "any external (legislative) element" on the governor-general's council would really do any good or not was no longer a debatable question. Such an external element was essential.

> "The days", he wrote, "are gone when you could govern India without much caring what the Europeans and Europeanised community say or think of your measures, and unless you have some barometer and safety-valve in the shape of a deliberative Council, I believe you will always be liable to very unlooked for and dangerous explosions."

He also urged that the new legislative bodies would make fatal mistakes unless they were assisted by Indian members.[4]

Canning agreed with Frere, and Wood largely accepted these views, but in a pessimistic mood. Writing to Frere on 17 August, 1861, he ended thus:

[1] The governor-general to the secretary of state, 9 December, 1859.
[2] Frere to Wood, 21 April, 1861 (*Life of Frere*, I, 331. See also pp. 327 and 356).
[3] Correspondence, *Life of Frere*, I, 336.
[4] *Idem*, pp. 336–41.

The future government of India is a problem of the most serious import, utterly unexampled in history, and one of which it seems to me very difficult to foresee the progress.

In addressing the House of Commons on 6 June, 1861,[1] he had pointed out the impossibility of reverting to a system by which the executive government alone legislated for India. Nor could the English in India have a representative body to frame the laws by which they should be governed. It was equally impossible to assemble in India in one place persons who would be real representatives of the various classes of the Indian populations. The residents of the towns no more represented the general Indian population than a highly educated native of London represented a highland chieftain or a feudal baron of six centuries ago. The legislative arrangements which he proposed were based on Canning's recommendations. They became law and were these.

For purposes of legislation the council of the governor-general was reinforced by additional members, not less than six or more than twelve, nominated by the governor-general and holding office for two years. Of these additional members not less than one-half were non-official (in no government service). Should the council meet for legislative purposes within a lieutenant-governor's province, the lieutenant-governor became an additional member. The functions of the council when meeting for legislative purposes were strictly limited to the consideration and enactment of laws. It could transact no other business. It could entertain no motion except one for leave to introduce a bill or having reference to a bill actually introduced. Measures relating to the public revenue or public debt, religion, military or naval matters, or foreign relations could be introduced only with the sanction of the governor-general. His assent was required to every act passed by the council; and any such act might be disallowed by the sovereign, acting through the secretary of state. While the legislative power of the governor-general in council was wide, it should not affect certain parliamentary enactments, or the general authority of parliament, or any part of the unwritten laws or constitution of the United Kingdom whereon the allegiance of the subject or the sovereignty of the crown might depend. In order to remove all doubts respecting the validity of rules or regulations sanctioned by executive orders of the governor-general in council for the more lately annexed or non-regulation provinces, a clause was introduced declaring that no such rules or regulations should be deemed invalid by reason of not having been made in conformity with the provisions of the charter renewal acts.

Mr A. H. (afterwards Sir Henry) Layard proposed in the House of Commons to insert an injunction directing that a certain number of the additional members of the council, when sitting as a legislative

[1] Hansard, CLXIII, 638–9.

body, should be natives of India.[1] But the secretary of state considered it undesirable to make statutory distinction in this connection between different classes of Her Majesty's subjects.[2] Some of the additional members appointed would certainly be natives of India.

The act conferred on the governor-general one power of a novel character. He was enabled to frame and issue on emergency, without his council, ordinances which would not remain in force for more than six months. Such a power had been urgently required on certain occasions in 1857–8. Long afterwards ordinances were resorted to in the first month of the great war, when the legislative council was not sitting and immediate action was required in certain directions. The power of issuing ordinances was vested in the governor-general *alone* in order that the responsibility might be solely his. But the reasons for such exceptional procedure should always be recorded and should be submitted to Her Majesty's Government together with the ordinance itself.[3]

The power of legislation which had been taken from the governors in council of Madras and Bombay by the Charter Act of 1833 was restored in 1861. For legislative purposes these councils also were expanded by additional members. No line of demarcation was drawn between subjects reserved for the central and those allotted to the local legislatures; but while local legislation in certain cases could not be undertaken without sanction from the governor-general, all acts of local legislatures required his subsequent assent as well as that of the local governor and were subject to disallowance by the crown. The governor-general was directed to establish a legislative council in Bengal and empowered to set up similar councils in the North-Western Provinces and the Panjab when the time was ripe. Councils were established in Bengal in 1862, in the North-Western Provinces in 1886, and in the Panjab and Burma in 1898.

The legislative councils established by the act of 1861 were committees by means of which the executive government obtained advice and help in legislation. While the government enacted the laws through its council, the public had a right to make itself heard, and the executive was able to defend its legislation. When the laws were once made they were binding on the government as well as on the public. They had been made in a manner which ensured publicity and discussion and could only be changed by the deliberate and public process by which they had been made. The councils could only deliberate on the legislation immediately at issue. They could not call for information on other subjects or impugn acts of the administration.[4]

In the year 1870 there was a discussion[5] between Lord Mayo's

[1] Hansard, CLXIII, 1016, 18 June, 1861. [2] *Idem*, p. 1027.
[3] Ilbert, *Digest*, pp. 215–16, 566, para. 26, Wood's dispatch of 9 August, 1861.
[4] See *Report on Constitutional Reforms*, 1918, p. 54.
[5] See *Accounts and Papers*, 15, *East India*, 1876, LVI, 6–10.

government and the Duke of Argyll, then secretary of state, the former claiming that they had been endowed by section 22 of the 1861 Councils Act with legislative discretion which they should exercise to the best of their judgment. The secretary of state could, of course, disallow any law which they passed. *They could not, however, be expected to introduce any measure of which they disapproved.*

Any other view would invest the Secretary of State with the character of the legislator for British India and would convert the Legislative Council into a mere instrument to be used by him for that purpose.

On 24 November, 1870, the duke replied that theoretical inconveniences were inseparably connected with the working of such a machinery of government as that through which the empire of India was ruled from England, but these could in practice be reduced to a minimum by mutual respect on the part of those concerned. *One great principle underlay the whole system. The final control and direction of affairs in India rested with the Home Government. It made no real difference if its directions related to legislative affairs.* If the crown's interposition were limited to a veto on acts passed in India, the queen's government would be helpless to secure legislative sanction for any measures, however essential it might deem them to be, for the welfare or safety of the Indian Empire. It followed, then, that this government must hold in its hands the ultimate power of requiring the governor-general to introduce a measure and requiring the members of the Indian government to vote for it. This was the practice in all parts of the queen's dominions where the authority of the legislative body was not derived from the principle of popular representation. It was a question of abstract right, not of ordinary procedure. It was only necessary to bear in mind where the seat of ultimate authority was placed in order to secure on both sides that fairness and moderation without which no political constitution could work with smoothness and success. Lord Mayo's government on 1 February, 1871, accepted this doctrine, as it defined a principle which they had never intended to question; they were glad, however, to hear that the ruling would not be applied to ordinary procedure but only "with great deliberation and on the rarest occasions".

The enlargements of the legislative councils in 1892, 1909 and 1919 are described in later chapters. Those of 1892 were made in response to the demands of "a limited but important section of Indian opinion" and established the *fact* of election to the councils by certain public bodies; but the government nominated a majority of the members of each council and maintained official majorities on the ground that no administration which did not possess sufficient power to carry out whatever measures it considered to be for the public interest could remain at the head of affairs among the different Indian nationalities.[1]

[1] See Lord Dufferin's picture of the India of his day, *Report on Constitutional Reforms*, 1918, p. 117.

The Morley-Minto reforms were the first real breach in the system of 1861. The king's proclamation of 2 November, 1908, had announced that "the principle of representative institutions which had from the first been gradually introduced" would now be "prudently extended". The reforms conceded non-official majorities on the provincial legislative councils composed mainly of elected members, but also of persons nominated by the governments concerned. They allowed any member to divide his council on financial questions and all councils to discuss matters of public importance and to make recommendations to the executive governments. But on the imperial legislative council the official majority was retained. This reservation was justified by Morley on the ground that the new councils were not designed to pave the way to the establishment of a parliamentary system, a goal to which he would not "for one moment aspire".[1] But by establishing non-official majorities on provincial legislative councils and by admitting an Indian gentleman to a seat on the governor-general's executive council, the core of authority in India, a step which was taken, with some searchings of heart,[2] on the viceroy's recommendation, the way was prepared for further developments which were to follow with unexpected rapidity under the pressure of movements which are described in later chapters.

The Provincial Governments

The following are now the major provinces of British India:

Province	Population (1921)
Madras	42,300,000
Bengal	46,700,000
United Provinces of Agra and Oudh	45,600,000
Bihar and Orissa	34,000,000
Bombay	19,300,000
Assam	7,600,000
Panjab	20,700,000
Central Provinces and Berar ...	13,900,000
Burma	13,200,000

The minor provinces are:

The North-West Frontier Province	2,250,000
British Baluchistan	422,000
Ajmer-Merwara	496,000
Coorg	164,000
Andaman and Nicobar Islands ...	27,000
Delhi	486,000

Thus the total population of British territory in India is 247 millions.

Between the years 1858 and 1918 changes were made in the titles, boundaries and governments of certain provinces originally without any friction or difficulty, but on one occasion resented by a local

[1] Morley, *Indian Speeches*, p. 92.

[2] See Morley, *Recollections*, II, 301–3.

government[1] and on another raising an unexpected but violent storm of local fury.[2]

Madras and Bombay remained under a governor in council throughout. Distinguished by the traditions of their old independence and by the presence of great seaports, they still retained some relics of their original privileges. Each government could correspond directly with the secretary of state if no financial considerations were involved. Each could appeal to him against orders of the Government of India and possessed full discretion in selecting men for important provincial offices. Both were less liable to supervision than other provinces in the administration of forests and land-revenue. In 1909, under the Morley-Minto reforms, the executive council of the governor in each was increased by the addition of an Indian member. In emergencies the governor could overrule his colleagues, but ordinarily questions were decided by majority votes.

Bengal, Bihar, Orissa and Assam remained under one lieutenant-governor until 1874, when Assam was constituted a separate province and placed under a chief commissioner.

In the year 1905 Bengal, Bihar, Orissa and Assam were converted by the ill-fated "Partition" into two provinces under lieutenant-governors, one composed of Western Bengal, Bihar and Orissa, the other of Eastern Bengal and Assam. In 1910 the lieutenant-governor of Western Bengal was given an executive council of two British civil servants and one Indian non-official.

In 1911 Lord Curzon's partition was set aside. The two new provinces became three. Bengal became the charge of a governor in council; Bihar and Orissa were placed under a lieutenant-governor in council; Assam was entrusted to a chief commissioner.

At the commencement of our period the present United Provinces of Agra and Oudh were two provinces under separate administrations. The Agra Province was known as the North-Western Provinces and was under a lieutenant-governor. Oudh was the charge of a chief commissioner. In 1877 the offices of lieutenant-governor of the North-Western Provinces and chief commissioner of Oudh were united in the same person. In 1902 the provinces were named the United Provinces of Agra and Oudh in order to avoid all confusion between their title and that of the then newly-created North-West Frontier Province.

The chief commissioner of the Panjab became a lieutenant-governor in 1859. In 1901 the frontier districts of the Panjab beyond the Indus were formed into a separate charge under a chief commissioner and called the North-West Frontier Province.

The Central Provinces were formed in 1861 by combining the Sagor and Narbada territories with the Nagpur territories in one charge under a chief commissioner. Berar was placed under the same

[1] See Ronaldshay, *Life of Lord Curzon*, vol. II, chap. viii. [2] *Idem*, chap. xxiv.

administration when, in 1902, it was leased in perpetuity to the British by the Nizam of Hyderabad.

Lower Burma became the charge of a chief commissioner in 1860. In 1886 the kingdom of Upper Burma was added to it after the third Burmese War, and the whole was called the province of Burma. In 1897 the chief commissioner became a lieutenant-governor.

The six minor provinces are under chief commissioners. The North-West Frontier Province was carved out of the Panjab in 1901. British Baluchistan was incorporated in British India in 1887. The Andaman and the Nicobar Islands were united under a chief commissioner in 1872. The city of Delhi with a small area surrounding it was constituted an "administrative enclave" under a chief commissioner in 1912 when the imperial capital was transferred there from Calcutta.

Relations between the Central and the Provincial Governments

The central government necessarily kept in its own hands functions which concerned the whole empire. It also exercised financial, legislative and administrative control over the provincial governments.

The Charter Act of 1833 had centralised the administration of the country's finances in the hands of the Government of India. The act of 1858 vested the superintendence of the revenues and expenditure of the country in the secretary of state in council. More than £42,000,000 were added to the public debt by the troubles of 1857–8; all branches of the administration needed reorganisation, and improvements of every kind were called for. An efficient system of public accounts and strict financial control was absolutely necessary; and James Wilson, financial secretary to the treasury, was dispatched to India as member of the governor-general's council and lived just long enough to lay the foundations of a system under which the central government was to retain in its own hands an extensive measure of financial control. Rules of great stringency were imposed. But the central government possessed neither time nor knowledge sufficient to exercise such far-reaching responsibility in many details which should have been left to the discretion of local governments; and much wrangling and waste of time resulted from these rigid arrangements. For some years the central government, which was itself subject to the secretary of state in all such matters as related to borrowing, changes of taxation and general fiscal policy, maintained this meticulous control. But friction increased; and after careful deliberation, a system of financial decentralisation was inaugurated by Lord Mayo which was afterwards developed with beneficial effect. Even at the end of our period, however, special

revenues were assigned to each province by the central government, and were shown with corresponding expenditure in the imperial budget while each provincial budget required the approval of the central government, whose sanction was requisite for proposals involving large expenditure and the creation of posts. The responsibility of that government to the secretary of state was firmly insisted on. In 1907 Lord Morley appointed a Decentralisation Commission to simplify relations between the central government and its subordinate and co-ordinate parts; but this body proposed no material change in financial relations between the central and provincial governments. The secretary of state himself continued to hold the central government in strict financial subordination. He watched the expenditure of Indian revenues "as the ferocious dragon of the old legend watched the golden apples".[1] Held in such rigid subordination, expected to keep down provincial charges, sharing in provincial proceeds, controlling provincial taxation, the central government could not effectively decentralise finance.

While legislating for British India, that government also controlled provincial legislation. Local legislatures, however, made laws "for the peace and good government" of their provinces on condition that no such laws affected any act of parliament, or, without previous sanction, any act of the governor-general's legislative council. They could not, without the previous permission of the governor-general in council, consider any law affecting the religion or religious rites and usages of any class of British subjects in India, or regulating patents or copyright, or affecting the relations of the government with foreign princes or states. Their discretion was further curtailed by the fact that the field open to them was largely covered by acts of the imperial legislative council. That body still exercised its powers in matters which were handled for all provinces on uniform lines such as Penal and Procedure Codes, laws for prisons and police, for forests, mines, factories and the preservation of the public health. Every local act required the subsequent assent of the governor-general; and local governments submitted all projects for legislation to the central government and secretary of state for approval. Provincial legislatures were still in theory expansions of the executive government for the purpose of law-making.[2]

Every provincial government was required to obey the orders of the governor-general in council, and to keep him constantly and diligently informed of its administrative proceedings and of all matters which ought to be reported to him. He was required by statute to control all its proceedings.[3] The reasons for so much centralisation of authority are thus explained in the Montagu-Chelmsford Report:

[1] Morley, *Indian Speeches*, p. 46. [2] *Report on Constitutional Reforms*, 1918, p. 98.
[3] See section 45, Government of India Act, 1915 (which consolidated all previous statutes).

It is easy to see that in many respects India is one single and undivided country, in which much work must be done on uniform lines. The main Services which execute the orders of provincial governments have been recruited from England on terms guaranteed by the Secretary of State, with the result that many questions affecting them cannot be determined by any provincial government. Again the development of trade and industry and science throughout India has favoured the tendency at headquarters to formulate and pursue a uniform policy. Business and industry might be seriously hampered if (even with one law for India) the provinces were left to administer such matters as statistics, patents, copyright, insurance, income-tax, explosives or mining on different lines. Particularly in the more scientific spheres—such as bacteriology, or agricultural and veterinary science—advance has tended to concentration, because the expert services were much too small to be organised on a provincial basis, and also because the experience and resources of any one institution would not be fully used unless they were placed at the disposal of the whole country. Moreover in the past the Government of India have regarded themselves as distinctly charged with the duty of framing policy and inspiring reforms for the whole of India.[1]

The central government, with the sanction of the secretary of state, frequently appointed commissions of enquiry to report on such questions of grave concern as famine, irrigation, police or education. After consultation with provincial governments regarding recommendations contained in the reports of such commissions the Government of India formulated decisions which were often accompanied by grants earmarked for the purpose of carrying out reforms. Such reforms sometimes included the appointment of new advising or inspecting officers at headquarters and then tended to encourage interference with local discretion. In any case the report of a commission enabled the central government to take careful stock of a critical situation, and to shape new policy.

The whole position was aptly summed up by Lord Morley's Decentralisation Commission:

Among the important matters which the Central Government retain in their own hands are those relating to foreign affairs, the defences of the country, general taxation, currency, debt, tariffs, posts and telegraphs, railways and accounts and auditing. Ordinary internal administration, police, civil and criminal justice, prisons, the assessment and collection of the revenues, education, medical and sanitary arrangements, irrigation, buildings and roads, forests and the control over municipal and rural boards fall to the share of provincial governments. But even in these matters the Government of India exercise a general and constant control. They lay down lines of policy and test their application from the administration reports and returns relating to the main departments under the Local Governments. They also employ expert officers to inspect and advise upon a number of departments which are primarily administered by the Local Governments, including Agriculture, Irrigation, Forests, Medical, Sanitation, Education, Excise and Salt, Printing and Stationery, and Archaeology.

The control of the Government of India is, moreover, not confined to prescription of policy and to action taken upon reports and inspections. It assumes more specific forms. They scrutinise, and when necessary, modify the annual budgets of the Local Governments. Every newly created appointment of importance, every material alteration in service grades, has to receive their specific approval, and in many cases reference to the Secretary of State is likewise necessary....Moreover

[1] *Report on Constitutional Reforms*, 1918, p. 99.

the general conditions of Government Service, such as leave, pension and travelling allowance rules, and the Public Works and Forest Codes are all strictly prescribed by the Central Government, either *suo motu* or on instruction from the Secretary of State. Lastly there is a wide field of appeal to the Government of India, as also the Secretary of State, from persons who may deem themselves aggrieved by the action of a Local Government.

The essential point to be borne in mind is that at present, even in matters primarily assigned to the Provincial Governments, these act as agents of the Government of India who exercise a very full and constant check over their proceedings.

Public policy and legislation were everywhere controlled by the central government which was, in its turn, dominated by its responsibility to parliament through the secretary of state. Both policy and laws were latterly much influenced by Indian councillors; but the last word and the whole responsibility lay with the British government. The basic principle was defined by Lord Dufferin:

It is absolutely necessary, not merely for the maintenance of our own power, but for the good government of the country and for the general content of all classes, and especially of the people at large, that England should never abdicate the supreme control of public affairs, or delegate to a minority or a class, the duty of providing for the diversified communities over which she rules.[1]

Tradition and practice operated to demarcate "spheres of influence" for the central and the provincial governments, but the demarcation was neither clear-cut nor legally recognised. As the major provinces were really different countries, their governments necessarily exercised considerable liberty in the management of domestic affairs. Differences of opinion periodically arose as to the lengths to which this liberty should go. Provincial governors sometimes complained of vexatious interference.[2] Lord Curzon, on the other hand, complained in 1901 that in respect of educational policy the local governments had become a "sort of heptarchy", and at another time proposed to reduce Madras and Bombay to the status of provinces in the charge of lieutenant-governors.[3] Yet no constitution can work successfully in a sub-continent so vast and various as India which does not concede a large degree of discretion to provincial rulers. The best of these were willing to trust their executive officers; and they were certainly justified in expecting a generous measure of confidence from their own superiors. This, as a rule, they received; but we find Lord Morley writing to Lord Minto on 15 July, 1909:

All that you say about lieutenant-governors fills me with sympathy, comprehension and holy rage. You have now three capable men below you, each of them bent in a more or less quiet way on having his head, and each entitled to have his views respectfully considered, and nine times out of ten probably right, but the tenth time capable of bringing things into a dangerous mess. And then there is the weak man, who is a greater nuisance than the strong uppish man.[4]

Lord Sydenham illustrates Morley's reluctance to rely on the con-

[1] Lyall, *Life of Dufferin*, II, 203.
[2] *Life of Frere*, I, 441–2; Lord Sydenham, *My Working Life*, pp. 229–31, also 247.
[3] Ronaldshay, *op. cit.* II, 57–60, 416.
[4] Morley, *Recollections*, II, 263.

victions of responsible rulers in personal and daily touch with facts[1] and realities. Morley certainly carried this feeling to excessive lengths. A uniform policy which sets the time for all subordinates is obviously necessary. But India is still the country of which Wood said in 1853, "On nearly all sides I find that there is the greatest difference between its various parts". Diversity of circumstances renders general conditions difficult to arrive at; and provincial rulers who are not backward in pressing their convictions, even at the cost of jarring on doctrines and theories conceived in a very different atmosphere, are entitled to a full and unbiassed hearing. It is still true that

> there can be no successful government in India unless the fundamental fact of the immense diversities of Indian countries and peoples be recognised, and each great province be administered by its own separate government with a minimum of interference from outside.[2]

The Last Word

We have seen the secretary of state growing in stature as years went by, anxious at times to play an energetic part in the actual governing of India, and reluctant to think that after all this must be the task of the men on the spot. Throughout our period it was the central and provincial governments who, working through the officers of the public services among vast Asiatic communities split into thousands of sections and possessed of traditions and usages of immemorial antiquity, gave shape and living form to the policies of distant parliaments and cabinets. It was they who brought India through the supreme trial of more than four years of a world-wide war. It was the governor-general in council who designed the arrangements of 1861, initiated the discussions which led to the constitutional changes of 1892 and 1909, and suggested the momentous declaration of 20 August, 1917, although he did not frame its terms.

In Lord Birkenhead's words of 5 November, 1929,[3] we find an echo of the Duke of Argyll's dispatch of 1870.

> "The authority and position of the secretary of state", said the late holder of that office, "are complementary of the authority and position of the viceroy. Sometimes the special atmosphere in which the viceroy lives, or the wholly different atmosphere in which the secretary of state lives, may be the corrective of a rash impulse, whether that be formed in Delhi or in Whitehall."

Differences of opinion, he added, must sometimes arise between these high authorities. With good will on both sides these were almost invariably accommodated. The last word necessarily rested with the representative of the cabinet and parliament of this country. It is much to be regretted that so great a public servant as Lord Curzon found it so hard to accept this obvious consideration. But only on these terms can viceroys discharge their heavy and harassing responsibilities.

[1] *My Working Life*, p. 226. [2] Strachey, *India*, p. 64. [3] Hansard, Lords Debates.

CHAPTER XIII

DISTRICT ADMINISTRATION IN BENGAL 1858–1918

THE sixty years which followed the suppression of the Mutiny were in Bengal years of rapidly increasing population, of growing wealth, of expanding communications, of widely extending knowledge and contact with Western ideas. In spite of a daily burden of increasing case-work, district officers and their subordinates were constantly called on to make fresh efforts in new directions, to push forward education, vaccination, sanitary improvement, local self-government, to throw all their energies into carrying out schemes devised by higher authority. But before proceeding with the history of district administration, we must observe the succession of changes which finally transformed the old Lower Provinces (Bengal, Bihar, Orissa and Assam) into the modern provinces of (*a*) Bengal, (*b*) Bihar and Orissa, and (*c*) Assam.

The first of these changes was the transfer of Assam in 1874 from the charge of the lieutenant-governor of Bengal to that of a separate chief commissioner. The next in 1905 was the partition of Bengal, Bihar and Orissa into two new provinces of Western Bengal, Bihar and Orissa and Eastern Bengal and Assam. Each of these charges was committed to a lieutenant-governor; and the lieutenant-governor of the western province was from 1910 assisted by an executive council which consisted of two British members and one Indian. In 1912 Assam was again handed over to a chief commissioner; Bihar and Orissa were entrusted to a lieutenant-governor in council; and Bengal was made over to a governor in council. Each executive council consisted of two British members of the civil service and a non-official Indian gentleman.

We have seen that from 1859 the magistrate-and-collector, or district officer, once more became sole head of the district. The police were his subordinates, although from 1861 they were managed and disciplined by a British superintendent, often supported by an assistant superintendent. These officers and their men belonged to a provincial force which was presided over by an inspector-general and two or more deputy inspectors-general with whom the district officer constantly corresponded. He also conducted business with the director of public instruction, with the opium agent, with the chief engineer, and, as time went on and communications extended, with the heads of other departments which gradually came into being, such as excise, jails, sanitation, land records. He had long been subordinate to a commissioner, but now was menaced by a variety of

masters. Such a state of affairs was likely to lead to overmuch corre spondence, to neglect of the real work of administration and to loss of touch with the needs of the people of his charge. Perceiving the danger, George Campbell, lieutenant-governor from 1871 to 1874, laid down emphatically the principle that heads of departments were on no account to dictate to district officers, who within their charges should, subject to the control of their commissioners, be supreme over everyone and everything except the courts of justice. The police, who were then their sole agency for all purposes connected with the peace, order and conservancy of their districts, the regulation of public assemblies and other administrative matters, must be employed with discrimination. Campbell was anxious to devise some other subordinate agency which would relieve the police of such miscellaneous duties as attention to the state of the roads; but he did not succeed in an attempt to do this. There was in Bengal no village record system, no collection of revenue by subdivisional Indian officials. It was, therefore, impossible to find sufficient employment for a new subordinate executive establishment.

The great and growing city of Calcutta was not included in a district, although it formed part of the charge of the commissioner of the principal or presidency division. Its stamps and customs were under the direct superintendence of the Board of Revenue. It possessed a special police establishment under the control of a special commissioner assisted by deputy commissioners. Criminal justice was administered by five stipendiary magistrates, and by a municipal magistrate appointed to try exclusively offences under the municipal acts.

Honorary magistrates had been appointed in some districts of the Lower Provinces in the year 1857 in order that the services and influence of land-holders and resident non-official Europeans might be actively enlisted in support of the administration. Indigo planters in Bihar had in that stormy time been authorised to raise small bodies of police for the protection of their immediate neighbourhoods[1] and in command of these had done good service. In 1859, when the Mutiny was over, Sir Frederick Halliday abolished honorary magistracies; but their value had been proved and on the suggestion of the Government of India, his successor, Sir John Peter Grant, appointed forty-five honorary magistrates in Calcutta and forty-five more in the *mufassal* or outlying districts. All of these were zamindars, European planters, or other persons of position; they were generally invested with power to try minor cases only, and nowhere exercised control over the police. The system was extended in 1872–3 by Sir George Campbell, and again in 1889 by Sir Stuart Bayley, with a view to promoting habits of self-government. Benches of honorary magistrates were established in municipalities. Much good work was done

[1] Buckland, *Bengal under the Lieutenant-Governors*, I, 74.

by the honorary magistrates, and an accumulating burden of litigation was somewhat lightened.

Municipal boards and local cess committees, established at first under strict official control with very limited powers, developed in the 'eighties into municipal and district boards with wider responsibilities, containing an official element and generally presided over by district officers. Innovations transplanted from the West, they were at first hardly appreciated or understood except in large centres of population where municipal boards formed "an oasis of popular control in the midst of an official system",[1] concerning themselves with roads, schools, hospitals, sanitation and vaccination. The district boards excited no popular interest partly perhaps because no attempt was made to graft them on to the village "*chaukidari*" *panchayats*, or councils of five, whose duties were still confined to assessment and collection of the local police rate levied for payment of the village *chaukidars* (watchmen).

Civil and criminal courts were subject to the jurisdiction of the Calcutta High Court of Judicature which was established by letters patent on 14 May, 1862, and took the place of the old Supreme Court and the Company's "Sadr Adalat". Small cause courts for the trial of civil suits were set up in 1860 under judges, who in 1867 were amalgamated with the "Principal Sadr Amins" and the *munsiffs*[2] in a single provincial department, the higher grade of which was composed of "subordinate judges", and the lower of *munsiffs*. The district and sessions judge presided over the civil and criminal courts of a district; but the district officer was expected to watch and supervise generally the proceedings of his subordinate magistrates. By Act X of 1859, to which we shall refer later on, original jurisdiction in suits between landlord and tenant was transferred from the civil courts to the (revenue) courts of the collector and his assistants. But this arrangement was cancelled by Act VIII of 1869 when suits for rent or ejectment of tenants returned to the civil courts. Suits and cases, the whole volume of work transacted by district establishments, increased very greatly during our period, particularly in Eastern Bengal, and led to proposals for the partition of certain districts which at first excited little or no popular opposition.

But gradually there came a change. With a rapid extension of communications, of intercourse with England, of Western education, lawyers grew and multiplied. Local bars increased, developing not only at district but at subdivisional headquarters. In Mymensingh, for example, the local bar in 1872 consisted of fifty-two pleaders; in 1913 it mustered 403 pleaders and barristers, 384 *mukhtars* (law-agents) and ninety-six revenue agents. The population of that district indeed had almost doubled within the period; but legal business would not have afforded a livelihood, adequate or inadequate, to so

[1] *Report on Constitutional Reforms*, 1918, p. 104.

[2] Cf. chap. ii, *supra*.

many had it not been stimulated by a liberal employment of touts. It increased enormously; and the energies of district and subdivisional officers were more and more confined to the business of trying cases. District officers were also oppressed by growing correspondence with the various provincial departments. Not only were they prevented from moving freely about their districts and becoming acquainted sufficiently with actual conditions, but the quality of their work at headquarters necessarily suffered. The eventual situation has been faithfully described by one of their number,[1] who wrote in 1913:

As matters stand at present, we are neglecting the work which matters most because neglect does not show; and in order that we may do the work which is intrinsically of no greater importance, but which must have the preference because it comes more immediately to the notice of the government. It is because the mass of the people are so submissive to authority, and because they cherish an old belief that the British government desires to do justice, that they do not make their voices heard, when the district officer fails to secure them from such delay in obtaining justice in the criminal courts as amounts to a denial of justice, because he has no time to control the work of the courts; when the district officer fails to give them a fair price for their homestead land acquired for a public purpose because he has not time to control the work of the "Land Acqusition Deputy Collector"....None of these defects come very prominently before the notice of government, because the people do not often complain; but the cumulative effect of these omissions, though slow, cannot fail to be far-reaching; and there is grave danger that the effect may become more rapid, now that ill-disposed people have got to work to persuade the masses that government does not care for their interests.[1]

Partition or rearrangement of charges was the only effective remedy for such a state of affairs, but involved considerable initial expenditure of public revenues and for this reason excited adverse criticism. As, too, every partition implied some disturbance of vested interests, some apprehensions of loss of clients, some loss of custom to shops in particular towns; as after 1905 the agitation against the partition of Bengal struck a key-note which reverberated among the Hindu educated classes in every town throughout the province; however desirable a partition might be, it was always a signal for loud newspaper protest. But we have carried this part of our narrative far, and must return to the peaceful period which followed the Mutiny.

It was recognised then that no more time must be lost in providing the Lower Provinces with improved communications, and that in order to finance a satisfactory scheme local rates must be introduced. The landlords, however, urged that when the permanent settlement was concluded, they were informed that no demand would ever be made on them, their heirs and successors, "for an augmentation of the public assessment in consequence of the improvement of their respective estates". They were therefore not liable to pay road or education cesses. The dispute was finally settled by the Duke of Argyll, secretary of state, who ruled in 1870 that

rating for local expenditure is to be regarded, as it had hitherto been regarded in all provinces of the empire, as taxation separate and distinct from the ordinary

[1] *Report of the Bengal District Administration Committee*, 1913–14, p. 24.

land-revenue; that the levying of such rates upon the holders of land irrespective of the amount of their land assessment involves no breach of faith on the part of the government, whether as regards holders of permanent or temporary tenures; and that where rates are levied at all, they ought, as far as may be possible, to be levied equally without distinction and without exemption upon all holders of property assessable to the rate.

Effect was given to this decision by the Road Cess Act passed in 1871, which authorised the raising of a local rate or cess for the construction and maintenance of roads and other means of communication, prescribing a valuation of land and a registration of the holders of landed interests. Landlords, lessees, mortgagees, sub-proprietors were required to present returns of receipts, and were informed that only rents returned would be realisable by process of law. Records and valuations of all landed property liable for payment of the cess were prepared. Cesses were to be spent entirely within the districts wherein they were levied.[1]

Tenants generally still suffered from the absence of any system of registration of their rights and holdings. Act X of 1859, the first tenant law passed for Bengal, Bihar and Orissa, named classes of tenants whose rents were unalterable, and conferred a right of occupancy on tenants who had held the same land for at least twelve years, either personally or through predecessors from whom they had inherited their holdings. It also limited the right of distraint which till then had been exercised by landlords in a very arbitrary fashion. But while doing these things, it failed adequately to secure the occupancy rights which it created. It further failed to safeguard the power which it conferred on landlords of enhancing occupancy rents which fell below prevailing rates. Above all it made no provision for any field-to-field survey, or for the preparation of records of rights. Thus the tenants, and indeed any party to a case on whom lay a burden of proof, still suffered from serious disabilities in law courts. Tenants too were frequently shifted by their zamindars from one holding to another in order to prevent their acquiring occupancy right in any holding. In 1872 serious trouble developed in the Pubna district, where landlords habitually exacted heavy cesses from tenants and even endeavoured to obtain written agreements to pay rents swollen by such unjust demands. The victims organised themselves for systematic resistance, proclaiming that they were rebelling against their tyrants and not against the government. Disturbances took place; the neighbouring district of Bogra caught the contagion; and outward peace was only restored by the mediation of the district officers, while discussions were started which eventually led to legislation in 1885, when a new Bengal Tenancy Act superseded the act of 1859. It was based on three principles, fixity of tenure for the tenant, an adjustment of rent which would enable the landlord to obtain his

[1] O'Malley, *History of Bengal*, p. 458.

fair share of increment in the value of the produce of the soil, and settlement of disputes between landlords and tenants on equitable principles. It laid down the rule that occupancy right could be acquired in all land held by a tenant provided that for twelve years previously the occupier had held any land whatever in the village, and thus put an end to the zamindars' practice of shifting tenants arbitrarily from one holding to another. It empowered the central government to order a survey and the preparation of a record of rights in any area, and permitted the provincial government to direct similar operations to be undertaken in any estate where they were asked for by either side or were considered necessary to compose disputes. A field-to-field survey, a preparation of records, and a settlement of occupancy rents began in North Bihar; and later on other surveys and settlements were begun in various Bengal districts. All these operations were conducted by a staff which worked under a director of land records. One-fourth of the cost was borne by the government and three-fourths by landlords and tenants concerned. In this way effective steps were at last taken to introduce system, justice and clarity into revenue administration in Bengal. A further act, passed by the provincial legislative council in 1895, required privileged tenants to register all changes in their holdings due to succession or transfer. Records of rights were to be revised periodically and not checked and maintained continuously after the fashion followed in the North-Western Provinces and Panjab. The results of these new measures were beneficial.

We have now examined the system and framework of district administration in Bengal and have reviewed agrarian legislation. Field-to-field survey and settlement of occupancy rents, and preparation of a record of rights, when at last ordered by the government, were carried out under the supervision of the officers of the land records and settlement departments. The outside world knows nothing of the immense debt which rural India, and by far the greater part of India is rural, owes to these men who were always selected with particular care. Their devotion, their elaborate diligence, their tireless sympathy with the people, can be adequately appreciated only by those who have seen them at work or inherited the fruits of their labours. A very accurate idea of economic conditions in a fairly typical Bengal district may be gathered from a book written by the late Mr J. C. Jack, of the Indian civil service, a brilliant and devoted settlement officer. The people of Faridpur, the district of which he wrote, are favoured by a rich soil and generally live in comfort, obtaining sufficient subsistence from agriculture and fishing, but often get into debt, mainly by reason of their improvidence and lavish expenditure on marriages and other domestic ceremonies. They pay little in taxes. Many members of the cultivating classes enter menial or domestic service. The big landlords of the province are generally absentees; the small

or ordinary landlords, the co-sharers, the lessees, the mortgagees, sub-lessees, sub-mortgagees are seldom in contact with the land and content themselves with collecting their rents, having little or no inclination for farming of any kind. The small land-holders are largely intermingled with the professional and clerical classes, and all alike are known as *bhadralok* (respectable people), who live not only in towns as in other provinces, but also in villages. The original *bhadralok* were Brahmans, Kayesthas (writers) or Baidyas (physicians); but the spread of Western education and the practical advantages of university credentials have caused many members of lower castes to adopt *bhadralok* ideals. It is the *bhadralok* who have shown that consuming passion for English education which has distinguished Bengal. It is they who have established Anglo-vernacular schools in towns and villages on a scale unknown elsewhere in India, schools attended by throngs of youths, who look to the Calcutta University as their portal to a profession and a satisfactory marriage. Mr Jack says that in Faridpur the average income of the *bhadralok* is higher than that of any other class, largely because the lawyers are all *bhadralok* and "an able lawyer will make five or ten times as much a year as an equally able doctor, while even an incapable lawyer will make a better income than most capable members of other professions". Competition, however, is keen; and in Faridpur and elsewhere many *bhadralok* live in poverty. The strong position of this class in rural areas is unchallenged by any martial caste. There are none of the army pensioners who count for so much in many districts of other provinces. The agriculturists are generally timid or apathetic; and, as we have seen, in earlier times bands of brigands battened on numbers of unresisting victims. Between the years 1905 and 1916 brigandage and terrorism were revived and practised by *bhadralok* youths known as "political" dacoits.

Internal trade in Bengal depends largely on means of communication, which improved greatly within our period, but were defective even at its close. In the eastern portion of the province trade is mainly carried on boats. Fishing and weaving are the principal industries; but weaving has suffered greatly from the introduction of factory-made goods and from the ravages of malaria among workmen absorbed in sedentary pursuits. Mr Jack observes that weavers have taken largely to agriculture or domestic service. From 1860 onwards Calcutta and its neighbourhood were largely affected by a remarkable expansion of foreign trade, a general increase of prices, and a rise in the standard of living. Large industrial works were started, conducted by machinery and affording employment to numbers of labourers who came from villages and returned to their lands at certain seasons. In 1881 there were nineteen jute mills with 39,000 operatives; in 1911 there were fifty-eight jute mills and 200,000 operatives. Coalfields were developed at Raniganj, Jherria and Giridih; but inland centres

of industry were few; the villages remained the chief units of economic life and village lands were parcelled out in small holdings. Various parts of the Lower Provinces have been visited by drought from time to time. The most notable of these visitations was the terrible Orissa famine.[1]

Toward the close of the viceroyalty of Lord Curzon it became increasingly apparent that the Lower Provinces generally, and the eastern half of Bengal particularly, were administratively starved. Service for Europeans in these eastern districts was generally solitary and unhealthy. Its unpopularity encouraged a tacit assumption that this rich and fertile area with its teeming populations required no more than a meagre official establishment. Its communications were bad; its government buildings were mean and inadequate; its police stations were few. It contained no troops and no mounted police. Several of its districts were too large for administration by a single magistrate-and-collector. Its agricultural population was becoming richer and more litigious; its law courts and district establishments were over-burdened with work; its scattered schools and colleges were multiplying and producing a growing throng of young men who turned their faces persistently towards government service or the overstocked bar. Disappointment bred discontent which was aggravated by political and newspaper teachings that foreign rule was the source of the mischief. Meantime civil servants, and especially those whose lot lay in Eastern Bengal, were generally tied to their desks and found little time for informal contact with the people of their districts. In the extensive Dacca and Chittagong divisions with their population of 17½ millions, there were toward the close of the year 1907 only twenty-one British covenanted civil servants and only twelve British police officers. And while Eastern Bengal was so scantily manned, the whole of the Lower Provinces needed a larger administrative staff, more liberal financing and the attention of more than one provincial administration. Thus the first partition of the old Lower Provinces came about. For reasons with which this chapter is not concerned, it was intensely unpopular with congress politicians and the leaders of the Hindu *bhadralok*. A boycott of European goods was proclaimed; schoolboys and students were enlisted in picketing operations. Within the years 1906–9 no less than 557 resultant disturbances came before the criminal courts of the new province of Eastern Bengal and Assam, and in most of these disturbances schoolboys and students were concerned. But the worst was yet to come. Young men belonging to the English-educated classes had for some time been engaged in revolutionary conspiracy, and armed with bombs and pistols commenced subterranean intermittent warfare against the government and society, organising gangs for the perpetration of "political" dacoities, the proceeds of which went to

[1] Cf. chap. xvii, *infra*.

finance their campaign. The terrorism which they were soon able to exercise showed that the character of the village people had altered little since the far-away days of the first Lord Minto. The principal theatre of their operations was Eastern Bengal; and the government of that province was long unable to obtain sympathetic recognition of its needs from higher authority.[1] As late even as 18 May, 1908, the chief secretary of Eastern Bengal and Assam addressed the Government of India in the following terms:

> Every branch of education, every department of administration, makes urgent demands upon the revenues of this ill-equipped province; and the normal income barely suffices to meet the necessary items of expenditure.[2]

The situation grew worse and at last forced recognition from Simla and Whitehall. Adequate legislation was undertaken; the police were strengthened materially in Eastern Bengal; the number of British officers was increased, and schemes for administrative and educational reforms were under discussion when the sudden alteration of the partition in December, 1911, remanded all such plans for further consideration in altered circumstances. Bengal became one province again but was still plagued by revolutionary crime. At last on 23 October, 1913, the central government appointed a committee consisting of five experienced executive officers (one from Bihar and Orissa, one from the United Provinces, one from the Central Provinces, and two from Bengal) to examine the conditions prevailing in the districts of Bengal; to compare them with those existing in other provinces; and to report in what respect the administrative machinery could be improved,

> whether by the reduction of inordinately large districts, by the creation of new subordinate agencies or otherwise, with the object of bringing the executive officers of government into closer touch with the people.

After extensive touring in Bengal and neighbouring provinces, the committee submitted their conclusions in a detailed report. They found that for some years a succession of revolutionary outrages had obstructed and unsteadied the administration of certain districts; that terrorism had been rampant; that Bengal district officers were, from causes beyond their control, somewhat out of touch with the people.

> "A district officer", they wrote, "or a police superintendent who is over-worked and borne down by a load of office and inspection duties, cannot be reasonably expected either to become well acquainted with the people of his district or to exercise over his subordinates that watchful and sympathetic control that is essential to good administration. Still less can he be expected to devise or ascertain how progress is attainable. Such matters require careful and deliberate reflection and for this there is no time. The subordinate staff suffer with him, and it is idle to expect officers overburdened by routine work to spare time for tours or interviews with people whom they are not obliged to see. Their days are entirely occupied with endeavouring to keep pace with those duties which they must perform."[3]

[1] *Report of the Bengal District Administration Committee*, 1913–14, chap. ii.
[2] *Idem*, p. 17. [3] *Idem*, p. 18.

The committee proposed the following remedies:

(*a*) partitions or rearrangements of certain districts or subdivisions;
(*b*) development of a village watch-and-ward and self-government organisation by means of "union panchayats" under the control of circle officers who would be subordinate to the subdivisional magistrates and would in some degree fill the place of the subordinate tahsil agencies in neighbouring provinces;
(*c*) reforms in connection with the management of Anglo-vernacular schools;
(*d*) measures calculated to promote industrial development;
(*e*) the appointment of more European deputy directors of agriculture for demonstration work.

The report was published by the Bengal Government in 1915. The war was then in progress and money was needed in new directions. Effective measures were taken under the Defence of India Act to suppress revolutionary conspiracy; but in all other respects reform was tarrying in Bengal in November, 1918.

In no province had the difficulties of district officers been so harassing. The causes lay partly in the careless neglect with which, as we have seen, the province was treated in the far-away past under the vague impression that because its population contained no martial element its problems could wait. In later times Bengal district officers were also called on to suffer for short-sighted economy in high quarters and for an obstinate reluctance there to face facts which they never failed faithfully to represent.[1]

[1] Chirol, *Indian Unrest*, pp. 96, 315; Morley, *Recollections*, II, 212, 312; *Bengal District Administration Committee Report* (1914), p. 17.

CHAPTER XIV

DISTRICT ADMINISTRATION IN BOMBAY 1858–1918

IN Bombay, as in other provinces, the main features of the administrative machinery had stood the test of time, and its practical working had become stereotyped. The history of the second half of the nineteenth century is, therefore, in the main concerned with the improvement of the administrative organisation bequeathed by the Company and its adaptation to the rapid intellectual and material advancement of the people of Western India. Until very recent times the Bombay Government maintained and conducted relations with a host of petty Bhil, Rajput and other chiefs too insignificant to be dealt with directly by the Government of India. The officials charged with the duty of arranging terms with the Indian princes and land-holders in the earlier years of the nineteenth century had been persuaded to treat the *de facto* exercise of civil and criminal jurisdiction by a land-holder as an indication of quasi-sovereign status. The political agents, who were ultimately enrolled in a separate political cadre, were from the beginning chosen generally from among the officers of the Company's military forces, except in the case of small isolated states contiguous to British districts, when the collector of the district was appointed *ex officio* political agent of the state concerned. By the opening of the period under review the system had become firmly established, the functions of the agent varying from the mere giving of advice and exercise of general surveillance to an actual share in the administration of the state.

In the case of the peninsula of Kathiawar, which comprised no less than 193 separate states, the Bombay Government in 1831 established a criminal court, presided over by the political agent, to assist the durbars of the several states in the trial of serious crimes; but subject to this innovation, their interference with the judicial administration of the peninsula was restricted up to 1863 merely to diplomatic representation. By the latter date, however, the criminal jurisdiction of all the chiefs had been defined and classified, and each of the four divisions (*prant*), into which the peninsula was formed for administrative purposes, was placed in charge of an assistant to the political agent, empowered to exercise residuary jurisdiction with wide civil and criminal powers. Later years witnessed further developments, such as the appointment of a deputy to each of the four assistant political agents, stationed at the headquarters of each *prant* and exercising subordinate civil and criminal jurisdiction; the alteration in 1903 of the designation of the political agent and his four assistants

to those of agent to the governor and political agents of the *prants* respectively; the appointment of a member of the covenanted civil service as judicial assistant to the agent to the governor, in order to assist him in the disposal of grave criminal cases, remitted to his court from the *prants*, and of civil and criminal appeals; and the appointment as *ex officio* assistant political agent of a superintendent of managed estates. The agent to the governor was also placed in control of a small police force for watch-and-ward duty in the various *thanas* and civil stations of the agency; but outside that area it has always been customary to hold the chiefs and land-holders responsible for the preservation of order and for indemnifying losses due to crime within the limits of their respective territories.

The task of administering the border states of Gujarat and Rajputana, which contain large numbers of wild tribes, was for many years one of great difficulty—so much so, indeed, that in 1838 the Bombay Government established a system of border *panchayats*, with the object of exercising a check upon continual border raids and of providing a tribunal of speedy justice for these primitive tribesmen. The experiment proved so successful that in 1876 these *panchayats* were converted into regular courts under two British officers, one of whom represents the Rajputana state and the other the Bombay state concerned. These courts still exist and meet as occasion demands.[1]

Another department of the administration which was established during the Company's régime and continued to function for several years after its demise was that of the survey settlement. The settlement of the revenue demand from each occupant of land under the ryotwari system was a necessary consequence of the political pacification of the country and of the increase of cultivation and internal trade thereby engendered. The ryotwari system had existed in Bombay and Madras from ancient times, but the accounts relating to it had either been lost or fallen into confusion during the later years of Indian rule. After the first few years' administration, therefore, the Bombay Government organised a Survey Department, which, after measuring and mapping every holding, proceeded to classify the fields according to depth and quality of soil, situation, and natural defects, placing each field in a class corresponding to a certain "anna valuation" or fractional share of the maximum rate calculated in sixteenths. Subsequently villages were grouped into blocks on the basis of their propinquity to markets and high roads and other economic conditions, the maximum rates for each block being fixed in relation to these conditions and to average prices. The survey department, which was established in 1835, imposed at the outset assessments which were too high and caused much distress. They were therefore reduced, and a further enquiry was set on foot, which resulted in the formulation by the department in 1847 of the principles which still form the basis

[1] *Imperial Gazetteer*, Provincial volume I, Bombay, pp. 86–8.

of the Bombay land-revenue system. Incidentally the operations of the department brought to light many cases of land held rent free without authority, which were subsequently investigated and adjusted by an Inam Commission appointed in 1852. The settlement of the presidency was completed in 1882, except in the districts of North Kanara and Ratnagiri, which were completed in 1891 and 1893 respectively, and the special survey department was then abolished, the future revisions of the settlement, which take place every thirty years, being entrusted to the assistant or deputy-collector in charge of the subdivision of a district.

The arrangements in Sind were different, owing to the fact that the ryotwari tenure in that region was less common than the zamindari, under which the land-holder (zamindar) supplied seed, plough, cattle and labour, divided the crop with the actual cultivator, and paid the assessment in kind out of his share of the crop, after deducting the value of the seed advanced. For several years after the annexation of the province, the revenue was collected in kind, as previously remarked; but during the governorship of Sir Bartle Frere (1862–7) cash payments were everywhere introduced, and a regular survey was commenced in 1863. The operations of the survey department and the progress of irrigation resulted in 1882–3 in the province containing three types of settlement—the original, the revised, and the irrigational, and of these the last-named, which bases the assessment of land on the method of irrigation adopted, was eventually (1902–3) applied to the whole province.

In order to avoid the huge volume of detail involved in a survey of the growth of the departmental administration of Bombay since 1858, it seems advisable to give a succinct account of the main features of the Bombay administration, as it existed in the year 1914. The outbreak of war in that year involved a variety of new burdens in the sphere of daily administration, which were successfully shouldered until the close of military operations; and the general results of the armistice had hardly had time to make themselves felt, before the whole problem of administration was subjected to revision in connection with the publication and adoption by parliament of the constitutional reforms associated with the names of Mr E. S. Montagu and Lord Chelmsford.

In 1914, then, the Bombay government consisted of a governor, appointed under the Government of India Act of 1833, and three ordinary members of the council appointed under the Indian Councils Act of 1909. Of the ordinary members two had to be persons who at the date of their appointment had been in the service of the crown in India for at least twelve years. In accordance with the spirit and letter of the Morley-Minto reforms, which underlay the act of 1909 (9 Edw. VII), the appointment of third ordinary member was given to an Indian.

In order to diminish the pressure of business, advantage was taken, in the discharge of the executive and judicial functions, of the special requirements of the different members of the government. The governor himself, for example, might dispose of the business of the political department (except civil, criminal and political cases), of the public works department (except railways), of the general department, relating to volunteers, cantonment and miscellaneous military matters, and of the legal department, regarding matters pertaining to the legislative council. The responsibility for the efficient administration of revenue, financial and railway affairs was usually accepted by the revenue member; while the work of the judicial department, in which were included all questions concerning the urban and district police, the work of the educational, marine and ecclesiastical departments, and the remaining business of the political department and of the general department—the latter including the important subjects of local self-government and public health—would be usually divided between the other two ordinary members of council. Questions which presented no special difficulty were disposed of by the members in charge of the department in which they occurred; on more important questions and in cases involving heavy expenditure, the opinion of a second member was sought; and if there were any difference of opinion, or if any case of peculiar difficulty or general public interest arose, the matter was settled according to the balance of opinion either as recorded by the different members or after discussion at the meeting of the executive council. Ordinarily the opinion of the majority was decisive at such meetings of the council. But in the case of an equality of votes on any question the governor or other person presiding had two votes or the casting vote. In any grave political emergency, however, affecting the safety or tranquillity of British rule, the governor was empowered under section 47 of the East India Company Act of 1793, which had never been repealed, to set aside even the unanimous opinion of his councillors, his orders in such cases having the validity of orders passed by the whole council.

All papers connected with public business reached government through the secretariat, where they were properly arranged and submitted to the members in charge of the departments to which they belonged, together with all available material for forming a decision in the shape of former correspondence, acts, or resolutions relating to the subject, and also with the recorded opinions of the secretary or under-secretary of the departments concerned, or of both. The secretariat was composed as follows: for the revenue and financial departments a secretary and an under-secretary who were covenanted civilians, and two assistant secretaries belonging to the uncovenanted service; for the political, judicial and special departments a covenanted secretary and an under-secretary and two uncovenanted assistant secretaries; for the general, educational, marine and ecclesiastical

departments a secretary who was a covenanted civilian, and an uncovenanted assistant secretary; for the legal department a covenanted secretary who was also remembrancer of legal affairs, a covenanted assistant remembrancer of legal affairs who was also *ex officio* secretary to the legislative council, and an assistant secretary who was chosen from the subordinate judges of the province; and for the public works department (which included a railway branch) a secretary, a joint secretary, and two under-secretaries, who were either royal or civil engineers, and two uncovenanted assistant secretaries. The senior of the three covenanted civilian secretaries to government was styled the chief secretary. There was also a separate department in charge of the chief secretary, assisted by the senior of the civilian under-secretaries.

Reference has already been made to the relations between the Bombay government and the Indian states of the province. Up to the date of the constitutional changes involved in the passing of the Government of India Act of 1919 all the Indian states in the Bombay Presidency were under the supervision of the Bombay government, with the exception of Baroda, where the resident political officer was, and is still, an agent to the governor-general.

Under letters patent of 1865, the administration of justice throughout the regulation districts of the presidency was, and still remains, entrusted to the high court, consisting of a chief justice and seven puisne judges. This court possesses both ordinary and extraordinary civil and criminal jurisdiction, and exercises original and appellate functions. The appellate judges of the high court also supervise the administration of justice by the different civil and criminal courts of the regulation districts. Ordinary original jurisdiction is exercised in both civil and criminal matters arising within the limits of the city and island of Bombay. By virtue of its extraordinary jurisdiction the high court may remove and itself try any civil suit brought in any court under its superintendence, and may in criminal cases exercise jurisdiction over all persons residing in places within the jurisdiction of any court subject to the superintendence of the high court. Besides acting as an appeal court in civil and criminal matters, the high court also functions as an insolvency court and possesses the civil and criminal jurisdiction of an admiralty and vice-admiralty court in prize cases and other maritime questions arising in India. It has also been invested with testamentary jurisdiction, and has matrimonial jurisdiction over Christians. One of the judges of the high court officiates as judge of the Parsi matrimonial court; while matrimonial decrees by district courts require confirmation by the high court.

The high court has no jurisdiction over the province of Sind except in respect of its powers under the Administrator-General's Act of 1874, of probates and administrations, of decrees in matrimonial cases, and in respect of European British subjects. All the functions of a high court are performed by the court of the judicial commissioner,

which replaced the former sadr court in 1906. A separate judicial commissioner for Sind was first appointed in 1866. By the commencement of the twentieth century the judicial work of the province had so greatly increased that the court was enlarged to consist of the judicial commissioner and two assistant judicial commissioners, one of whom must be a barrister of at least five years' standing and be qualified to deal with mercantile cases. The court serves also as a district and sessions court for the Karachi district and as a colonial court of admiralty.

In addition to the high court of Bombay and the court of the judicial commissioner in Sind, four grades of courts administer civil justice throughout the presidency, namely, those of district and assistant judges and of first and second class subordinate judges. These subordinate judges date from the year 1868–9, when the old titles of *sadr amin* and *munsiff* were abolished, and when at the same time the number and limits of the judicial *zillahs* or districts were altered, the appointment of judgeships and assistant judgeships were divided into grades, and a thorough redistribution of the subordinate courts took place, in order that the boundaries of their jurisdiction might correspond as far as possible with the *talukas* or revenue subdivisions of the presidency. In 1914 the cadre of the district judicial department included seventeen judges, three joint judges, and seven assistant judges, all these officers being members of the Indian civil service except three district and three assistant judges, who belonged to the Bombay provincial service. The first and second class subordinate judges numbered respectively seventeen and eighty-nine. The regular judicial staff was also entrusted with the work performed originally by a separate staff of three judges (a special judge and two subordinate judges) under the Deccan Agriculturists' Relief Act of 1879, which was passed after the severe famine of 1876–8. Of the total staff of subordinate judges four were employed exclusively in assisting the district judges in the inspection of the subordinate courts in their respective districts and in reporting on the working of the act abovementioned. As regards the district judges, it may be remarked that those at Surat and Poona served also as judges of the Parsi matrimonial courts in those towns; while the judge of Poona, as "Agent for the Sardars in the Deccan", decided under Regulation XXIX of 1827 cases in which certain gentlemen of high rank are interested. For the easy recovery of small debts and demands, small cause courts, invested with summary powers, existed in Bombay and in six smaller towns, Ahmadabad, Nadiad, Poona, Surat, Broach and Karachi. The Deccan Agriculturists' Relief Act of 1879 was also responsible for the creation of appointments of village *munsiffs* and "conciliators", of whom the former are empowered within the area of one or more villages to dispose of petty suits up to Rs. 10 in value, and the latter endeavour to induce parties to agree to a compromise of matters in dispute or to

a reference to arbitration. Other civil courts are those of the cantonment magistrates, who in 1910 were empowered, as occasion might demand, to dispose of suits within a limit of Rs. 500, while in 1906 *mamlatdars* were given jurisdiction in suits regarding the immediate possession of immovable property.

The judicial arrangements outlined above did not apply to the scheduled districts, which may be defined as "those which have never been brought within, or have from time to time been removed from, the operation of the general acts and regulations and the jurisdiction of the ordinary courts of judicature". Excluding the Panch Mahals district, which was not included in the regulation districts until 1885, the scheduled districts included Sind, where the judicial system is almost identical with that of the rest of the presidency; Aden and its dependencies, in which the resident had rather more extensive powers than a district and sessions judge, and his assistants were usually vested with inferior civil and criminal jurisdiction; and lastly the villages of the Mewasi chiefs, over which the collector of the West Khandesh district, as *ex officio* political agent, exercised both civil and criminal jurisdiction, subject to appeal to and revision by the high court.

The revenue administration of the Bombay Presidency was carried out by the following superior staff in 1914: four revenue commissioners, including the commissioner of customs, opium, salt and *abkari*; eleven senior and ten junior collectors, including the collector of salt revenue and the collector of Bombay; seventeen first and eighteen second assistant collectors, some of whom were serving in the judicial branch and some were on special duty in Sind; sixty-one deputy-collectors, including the personal assistant to the director of agriculture, who were divided into six grades and were in charge of district treasuries or divisions of districts. In Sind, under the commissioner, the revenue administration was carried on by four collectors, two deputy-commissioners, six assistant collectors, and twenty-two deputy-collectors.

The ordinary collectorate (or district), which has not altered appreciably since the beginning of the present century, is composed of twelve *talukas* or subdivisions, each of which contains about a hundred government villages, i.e. villages which have not been alienated and the total revenues of which belong to the state. Each village has its regular complement of officers, who are usually hereditary, namely the *patel*, the *kulkarni* or *talati*, the *mhar* and the watchman. The position and duties of these village officials, as well as of the other hereditary village servants, have already been explained in an earlier chapter. The revenue accounts of a village, which are simple and complete, are based upon the survey register. Every occupant is provided with a separate receipt book in which the total amount of his holding is entered, and the *patel* and *kulkarni* are bound, under heavy penalties, to record in it the sums he has paid. Every year what

is termed the *jamabandi* of the village is made, which determines the total amount of revenue due from the village. This process brings the assistant or deputy-collector into annual contact with each village in his charge and enables him to acquaint himself with its wants and requirements; it enables the returns of cultivation and other registers, useful for statistical purposes, to be checked; and it affords an opportunity of examining the village accounts, verifying transfers of land, and generally of making such a scrutiny as will protect the individual cultivator from fraud.

Each *taluka* or subdivision of a collectorate is in charge of a *mamlatdar*, whose duties have considerably increased since the first quarter of the nineteenth century. He is responsible for the treasury business of his *taluka*, and for seeing that instalments of revenue are punctually paid by the villages, that the village accounts are accurately kept, that the cultivators' payments are duly receipted, that the boundary-marks of the fields are in repair, and generally that the village officers are performing their duties properly. He functions as a subordinate magistrate and has also to supervise the administration of the local funds. With a view to giving him some assistance, a certain number of villages are placed under the supervision of circle inspectors and other members of the *mamlatdar's* official establishment; but he is expected to assure himself by personal examination that they are doing their work.

Above the *mamlatdar* is the assistant or deputy-collector who is in charge of, on an average, three *talukas*, and is expected to travel about his charge throughout the seven fair-weather months of the year. He has to satisfy himself by direct personal inspection that the revenue work is regularly carried out; he sees that the revenue of each village is brought to account at the time of the annual *jamabandi*; he nominates the village officers; enquires into the needs of his *talukas* in respect of local roads, wells, planting of trees and so forth; he hears appeals from the orders of the *mamlatdars*; corresponds with them on matters concerned with the administration of their respective *talukas*, and generally supervises their proceedings.

Above the assistant and deputy-collectors is the collector and magistrate, who is in charge of the whole district. He has to travel through his charge during four months of the year, and besides superintending the revenues and magisterial work of his district he has to administer the excise and other special taxes and to supervise the stamp revenue. He is also *ex officio* district registrar and visitor of the district jail, and has important duties to perform in connection with municipalities and local funds, with the Land Acquisition Act (I of 1894), and with forests. On all questions of executive administration his opinion is invariably required.

Finally general superintendence and control over the revenue administration are exercised by the three revenue commissioners (for the northern, central and southern divisions of the presidency) and the commissioner in Sind. During the fair season these officers are

constantly moving about their divisions; judging for themselves of the requirements of the various parts of the country, of the manner in which the revenue administration and that of police are being carried on, and of the qualifications of the district officials. They entertain appeals from the collector's decisions and are the channel of communication between them and the government.[1] Speaking broadly, it may be said that, except for a general increase of business resulting from the progress of the presidency, for a few changes such as the introduction of local self-government in the form of partly elective local boards, and for administrative readjustments such as the creation of a third revenue division, the general system of revenue administration in force in 1914, and also at the present date, is practically the same as at the date of the assumption of the government of India by the crown. The main features of the system can be traced back directly to the arrangements initiated by Elphinstone for the settlement of the Deccan and other territories taken from the Peshwa, and indirectly and with certain marked differences, mainly due to the differences in land tenures, to the arrangements in Bengal.

During the period succeeding the year 1858 the administration and expansion of the chief ports of the territories controlled by the Bombay government were provided for by the establishment of the Bombay Port Trust in 1873, of the Karachi Port Trust in 1880, and of the Aden Port Trust in 1889. The plague which broke out in 1896 was directly responsible for the creation of the City Improvement Trust in 1898—a body composed of members partly elected and partly nominated, which was charged with the duty of preparing a comprehensive scheme of improvement for Bombay, with particular reference to the better ventilation of densely crowded areas, the removal of insanitary dwellings, and the prevention of overcrowding. The act legalising the establishment of this trust provided for the nomination by the Bombay Government of three of the trustees, including the chairman, and for the appointment, as trustees *ex officio*, of the collector of Bombay, the municipal commissioner, and the general officer commanding the Bombay district.

The public works department was gradually organised after the transfer of control to the crown, on the foundations laid by Lord Dalhousie for the whole of India in 1854. A considerable addition was made to the department in 1868–9, and by the year 1914 the establishment, including the railway branch, consisted of two chief engineers, the senior of whom was the secretary to government and the junior the joint secretary to government, six superintending engineers, including a sanitary engineer, thirty-eight executive engineers, and fifty-nine assistant engineers. The growth of official buildings and the introduction of electric power had also necessitated the appointments of a consulting architect, an architectural draughtsman, and an electrical engineer, all of whom were employed on five years'

[1] *Report on Administration of Bombay Presidency*, 1911–12.

agreements, as well as an electrical inspector and ten temporary engineers.

Like the public works department, the administration of the forests of the presidency originated in the definite and prudent policy enunciated by Lord Dalhousie in 1855, and was gradually evolved subsequent to the year 1860. The great famine of 1876–8 led to a revision of the provincial arrangements for forest conservancy, and to the introduction of legislative measures which placed the whole system of forest administration in Bombay on a secure and well-defined basis. For administrative purposes the presidency was divided into four forest circles, corresponding to the four revenue divisions, three of which were in charge of conservators and the fourth (Sind) in charge of a deputy-conservator. The controlling staff was divided into an imperial service and a provincial service, of which the former had been reorganised in 1907 and the latter in 1911. The imperial service, in accordance with that revision, was composed of three conservators and twenty-four deputy and assistant conservators, and the provincial service of five extra deputy-conservators and twenty-three extra assistant conservators. Below these was the protective establishment of rangers, foresters and forest guards. As forest control and conservancy are regarded as a branch of the general administration, the central authority in forest matters has always been the commissioner of the revenue division, subject to the general orders of the Bombay Government. In all professional and technical matters the professional forest officer has full control and responsibility; but in regard to such matters as the rights and privileges of the people in forests, the local supply of grass, grazing and fodder, and the general relations of the department with the people, control is vested in the collectors of the districts, to whom for these purposes the forest officers are subordinate. A comprehensive survey of the forests was commenced in 1888, and the work of forest settlement was completed before the close of the period dealt with in this review. The classification of the forests also into forest proper, fuel and fodder reserves, and pastures was completed throughout the presidency before the year 1914, though a working plans division is still maintained in each forest circle for the purpose of ascertaining the productive capacity of the forests and of preparing scientific proposals for the profitable exploitation of the sylvan resources of the presidency.

The salient features of the educational administration subsequent to 1858 were the introduction of the grants-in-aid code in 1865, designed for the benefit of any private primary or secondary school, which was controlled by a board of management and was not maintained solely for private profit; the reorganisation in 1868 of the supply of trained schoolmasters; the foundation in 1890 of the joint schools committee to supervise and control primary education in Bombay city; and the amendment of the constitution of the university, founded in 1857, which synchronised with a declaration of the educa-

tional policy of the Indian Government in 1903–4. Broadly speaking, education in the Bombay Presidency is imparted partly through direct official agency, partly through the medium of grants-in-aid. The Bombay Government in 1918 maintained arts colleges in Bombay, Poona and Gujarat, a medical college, a college of science, an agricultural college, a veterinary college, a school of art, a law school and a college of commerce, as well as a model secondary school in Bombay and at the headquarters of each revenue district or collectorate. While the Bombay municipality is now responsible for primary education in the city, the majority of the primary schools throughout the presidency are maintained by the district and *taluka* local boards, who receive grants-in-aid from the government. The official staff responsible for the educational administration consisted in 1918 of a director, an inspector in each of the four divisions of the presidency, and in each district or collectorate a deputy-inspector with assistants.

The importance of agriculture as one of the chief factors in the progress of the presidency was recognised about 1884 by the organisation of a separate department of land records and agriculture, presided over by a director chosen from the ranks of the covenanted civil service. The activities of the department were for several years confined mainly to the simplification of revenue-settlement procedure and the improvement of the land-record system; and in connection with the latter branch of its duties a class of circle inspectors, who were subordinate to the *mamlatdars* of the *talukas*, was tentatively introduced about 1887. The agricultural work of the various provinces was eventually co-ordinated by the appointment in 1901 of an inspector-general of agriculture with the Government of India, and the increased attention paid to agriculture after that date led in 1905 to the separation of the appointments of director of agriculture and director of land records, and to the appointments of a deputy-director, an agricultural chemist and an economic botanist for the Bombay Presidency. The director of land records had ample work to perform in supervising the preparation of the "record of rights" in land, which followed on the passing in 1901–2 of a special Record of Rights Act as a complement to existing legislation governing the Bombay land-revenue system. A further attempt to advance the welfare of the agricultural worker and improve rural credit was made in 1904 by the passing of the Co-operative Credit Societies Act by the legislative council of the Government of India. In Bombay the task of organising and supervising such societies under the terms of the act was entrusted to a registrar, aided by a staff of assistant registrars, auditors, and other officers. Shortly after the close of the period with which this chapter deals the Bombay Presidency contained 1648 agricultural credit societies, 211 non-agricultural credit societies, twelve banks, and fifty unions, while the capital of the agricultural and non-agricultural societies amounted respectively to 83½ and 62 lakhs of rupees.

As regards miscellaneous departments of the administration it may

be mentioned that the control of excise was vested at the close of 1918 in the collectors of the districts, subject to the general control of the commissioner of customs, salt, opium and *abkari* (excise). They were assisted in this branch of their duties by a special staff of assistants, inspectors, sub-inspectors, gaugers, clerks, petty officers and menials. The salt department of the presidency proper was separately administered by the commissioner of customs and a special staff, while there were separate establishments for Sind and Aden, which were controlled respectively by the commissioner in Sind and the political resident. The customs administration of the port of Bombay was managed by a collector of customs and six assistants, and of the port of Karachi by a collector and two assistants, subject respectively to the general control of the commissioner of customs, Bombay, and the commissioner in Sind. The collector of land-revenue in Bombay, assisted by four inspectors of factories, was responsible for the administration of the Cotton Duties Act II of 1896.

Excluding the military administration, railways, public works, etc., and special trusts created for developing ports and urban areas, it may be broadly stated that the various administrative appointments and establishments created between 1858 and 1918, in response to the progress and requirements of the people of the presidency, were grafted upon, added to, or linked more or less closely for administrative purposes with the framework of the revenue organisation, which had been constructed, tested and improved during the first half of the nineteenth century. The most important part of that framework was the district officer, who as collector was responsible for the revenue administration, and as magistrate supervised the inferior courts and directed the work of the police. The revenue organisation, while it has always served, and still serves "its peculiar purpose of collecting the revenue and keeping the peace", is, in the words of the Montagu-Chelmsford Report,

> so close-knit, so well established, and so thoroughly understood by the people, that it simultaneously discharges easily and efficiently an immense number of other duties. It deals with the registration, alteration, and partition of holdings; the settlement of disputes; the management of indebted estates; loans to agriculturists; and above all, famine relief. Because it controls revenue, which depends on agriculture, the supreme interest of the people, it naturally serves as the general administration staff.

Specialised services, such as the establishments for irrigation, roads and buildings, agriculture, industries, factories, and co-operative credit, may possess separate staffs which are under the control of their own departmental heads. But, "in varying degrees, the district officer influences the policy in all these matters, and he is always there in the background to lend his support, or, if need be, to mediate between a specialised service and the people".[1]

[1] *Report on Indian Constitutional Reforms*, 1918, pp. 102, 103.

CHAPTER XV

DISTRICT ADMINISTRATION IN MADRAS 1858–1918

THE storm of the Mutiny raised only a couple of ripples in Madras. A hill-chief of Godavari, marching upon a private quarrel, proclaimed himself a forerunner of Nana Sahib, and strove to raise the country, but paid for the boast with his life. Between a dismissed *tahsildar* of Bellary and malcontents in Dharwar a plot was hatched to bring about a general rising. The rebels got possession of the fort of Kopal, but the place was stormed with heavy loss to the defenders and of the survivors seventy-seven were executed.

The transfer of the government of India to the crown caused no stir whatever. The local annals are silent on the subject because methods and principles remained unchanged.

Only a few events disturbed a period of general serenity. On 1 November, 1864, at Masulipatam, torrential rain preceded early darkness and a devastating wind. Towards midnight, at a cry "The sea is coming", Captain Hasted looked from his half-wrecked house on a "wild waste of luridly phosphorescent water, not in waves, but swirling, boiling, pouring round the house and lifted against it and over it in sheets by the raging wind". In a mass 13 feet above high-water mark, the Bay of Bengal had poured itself on the land. At midnight, with indescribable din and immeasurable fury, the waters rushed back. They had penetrated 17 miles inland, overwhelmed 800 square miles and destroyed 30,000 people and countless cattle.

The next event was much graver. There are seventeenth-century records of awful famines; the Guntur famine of 1833 "covered the country with human bones from Ongole to Masulipatam"; the Orissa famine of 1865–6 afflicted a quarter of the presidency; but it may be doubted whether the tragedy of 1876–8 did not surpass all previous calamities of the sort. Of the 200,000 square miles affected more than a third fell within Madras, where the famine is charged with causing the death of nearly four million people and cost the state over 800 lakhs. The material loss to the community at large was incalculable and was made good only to a trifling extent from the huge Mansion House Fund, though most of that fund was laid out in the Madras Presidency. The calamity left its trace on the agricultural statistics for twenty-five years, and the population which had been advancing up to 1871 at the rate of about half a million a year showed no increase for the decennium ending with 1881. The government has never ignored its duty towards the starving, though the succour given has not always been adequate or timely. Public relief, which dates back

to the eighteenth century, has taken various forms: importation of grain through official agency; bounties, advances and guarantees of price to private traders; opening of public works; gratuitous distribution of food, cooked or uncooked. The great famine led to the preparation of a famine code which centres all famine operations in the collector and requires the maintenance for each district of a programme of the public works ready to be put into immediate operation. As a further preparation for sudden emergencies a scheme was introduced in 1907 for forming provincial famine funds by an annual credit of 2½ lakhs up to a maximum of 25 lakhs, and mention should be made here of the protective irrigation works on the Rushikulya river, which, completed about 1898, serves to afford some security to Ganjam, a region of frequent dearth.

The Moplah sore was still festering in Malabar where outbreaks occurred in 1873 and 1880. A second special enquiry was made into the cause of these troubles and, as they were now ascribed in the main to the eviction of tenants, a law[1] was passed to ensure compensation for improvements to dispossessed tenants. Five outrages in the years 1883 to 1885 emphasised the urgent need for action and four *taluks* were disarmed as completely as possible. A serious rising in 1894 was the starting-point for remedial measures in the form of roads to open up the fanatical zone, and of special, but not very successful, arrangements for the education of Moplah children. Before these could come into operation the outbreak of 1896 occurred. After the usual pillaging, maltreatment and murdering of Hindus, the rebels took stand in a temple sanctified to them by the slaughter of 1849, and there met the death they courted and merited. The temple was heaped with corpses and streaming with blood, the survivors slitting the throats of the wounded as they fell to prevent their capture alive. In all out of ninety-nine men, ninety-six were killed. The three left alive could not find any material grievance to plead.

Off the coast of Malabar lies the southern group of the Laccadive Islands. Ever since the annexation of Malabar the misgovernment of the islands by the family of the Bibi of Cannanore to which they belonged had been a cause of trouble, and they had been taken over once but restored on promise of amendment. In 1875 it was found necessary to sequestrate them in perpetuity to protect the islanders from oppression. There was still no settled peace in the Northern Circars. In 1865 the Khonds of the Ganjam hills rose, this time against the Uriya and Pano inhabitants, of whom they murdered many. It was thought necessary after this to arrange for the more or less permanent residence in the hills of European officers to prevent the exploitation and oppression of the Khonds by other classes.

A more serious affair was the Rampa rebellion in the hills of Godavari. The trouble there began in 1835 on the death of the

[1] Act I of 1887; replaced by Act I of 1900.

mansabdar charged with the maintenance of order, the *muttahdars*, or sub-chiefs, objecting to the arrangements for the succession. The quarrel was patched up in 1848, but the *mansabdar* then appointed entered upon a long course of oppressive acts for which he pleaded the authority of government. The police, too, were making themselves offensive to the *muttahdars* and the cup overflowed when the government forbade the free drawing of toddy and leased the toddy-revenue to renters who demanded fees for tapping. After an initiatory sacrifice of several police constables and other obnoxious persons had been made to the gods, insurrection blazed out in 1879 over 5000 square miles. A guerrilla war followed; isolated stations were attacked, villages looted and burnt, detachments of police and even troops forced to retreat, many money-lenders murdered. A large military force was assembled and in the following year the affair was over; the *mansabdar* was deposed and arrangements were come to with the *muttahdars* as to their tenure and duties. This outbreak led to a change in the administration of the hills of Godavari. They were withdrawn from the operation of the ordinary laws and placed entirely under the collector of Godavari, as government agent, in whom was vested both civil and criminal jurisdiction. In short, these hills were put in practically the same position as those of Ganjam and Vizagapatam, though by means of a different enactment.[1] Much later on steps were taken to protect the hillmen of these three tracts from the money-lenders by a law[2] checking the transfer of land in execution of decrees to persons not belonging to the hill tribes.

In the centre things went quietly except at Salem, where the resentment of Hindus over the building of a mosque resulted in 1882 in two riots, the demolition of the building and a rather long tale of killed and wounded.

In the south also religious prejudices were responsible for trouble. For a long time there had been growing hostility to the Shanars (or toddy-drawer caste) on account of their claims to novel religious privileges. The courts were resorted to, and an injunction obtained forbidding the Shanars of Kalugumalai from going in procession. This led in 1895 to a riot in which nine or ten were killed, followed by the imposition of punitive police on the locality. Four years later a Marava zamindar sued to restrain Shanars from entering the temple at Sivakasi. The Shanars retorted by burning many Marava dwellings. The Maravars thereon mustered in great force and attacked the enemy. Twenty-five persons were killed and there was much destruction of Shanars' property. The Marava gangs were rounded up by sepoys and police and a punitive police was quartered on that locality too.

The disturbances of the nineteenth century were due to religious quarrels or to local or personal causes, not involving, except in 1857, any direct challenge to the state. With the exception of sporadic

[1] The India Scheduled Districts Act, 1874. [2] Act I of 1917.

disorder due to efforts to prevent the spreading of plague and of an outbreak against the police at Guntur, the troubles of the twentieth century were the outcome of an organised movement against foreign domination, propagated by the more educated classes and so, in the main, by Brahmans, and finding its principal source in Bengal. The unrest had its first overt expression in 1906 among the students at Rajahmundry; its next, soon afterwards, at Cocanada in a raid on the English club provoked by a trivial incident. Then, in 1908, a commercial failure at Tuticorin was worked up as an instance of the malignity of the rulers; there were strikes, and Europeans were boycotted. Proceedings were taken against the instigators in the criminal courts with the result that there were simultaneous outbreaks at Tinnevelly and Tuticorin. A good deal of damage was done and the police had to resort to fire-arms. Three years later a seditious conspiracy found vent in the murder of the collector of Tinnevelly. The war did not improve the situation, although the rural areas remained generally unaffected. Of the war itself the country saw nothing except in the form of some shells from the *Emden* which caused three deaths and some injury to property in Madras, and suffered therefrom mainly through the check on sea-borne trade. The attitude of the Indian press towards the war called for little criticism, but political agitation grew in extent and bitterness. By 1918 three distinct political movements had become manifest; the earlier agitation of the Home Rule party, their later action culminating in the formation of the Madras Presidency Association, and a Labour campaign with, on the other side, a growing opposition to Brahman influence on the part of educated members of other castes.

The legislation of 1861 created[1] a high court which absorbed the supreme court and courts of sadr and faujdari adalat, thus becoming a court of appeal, reference and revision for the whole presidency. The passing of the Penal and Criminal Procedure Codes[2] also led to important changes: the Muhammadan criminal law disappeared, criminal jurisdiction became a subject of general legislation and the ordinary minor civil courts ceased to operate as criminal courts. A host of laws were repealed[3] after the enactment of these two codes and the position determined in 1873[4] was this: the *zillah* civil and sessions judges became district and sessions judges with unlimited ordinary civil jurisdiction and power to pass any authorised sentence; the principal *sadr amins* became subordinate judges with civil jurisdiction similar to that of the district judge; the jurisdiction of the district *munsiffs* was extended to Rs. 2500. The only subsequent change which need be noticed is the enlargement of the powers of the village civil courts and the establishment of village benches.[5]

[1] 24 & 25 Vic. c. 104. [2] India Acts XLV of 1860 and XXV of 1861.
[3] Act II of 1869 and India Act XVII of 1862.
[4] India Act III of 1873. [5] Act I of 1889.

The new settlement department began to operate in 1857 under a director who, in 1882, took charge of the new department of agriculture also. In 1887 the control of these two departments and of the inchoate land record department was assigned to a member of the Board of Revenue. The nature and development of "late ryotwari" have been sufficiently indicated already; the stage had now been reached in which "subject to the payment of a stated proportion of the produce,...the proprietary right of the ryot in the soil of his holding is absolute and complete".[1] It remains only to explain how that "stated proportion" is determined. After a preliminary investigation of the general conditions of a district, the settlement officers classify the soil under "series", "classes" and "sorts", small differences being ignored in order to form practically identical "blocks". The output per acre of the particular soil is then estimated in rice or a standard "dry" crop and this is priced on the average of a series of years; the price is next reduced by about 15 per cent. to cover carriage to market and merchants' profits. The "commutation rate" so found is again reduced to allow for seasonal vicissitudes and uncultivable areas included in the fields. From the gross money value of the crop thus determined, the cost of cultivation is subtracted and not more than half the balance is taken as the assessment due to the state. The rates ascertained for the various kinds of soil are graded to avoid petty differences and, in applying them, consideration is paid to the position of the village and the quality of the irrigation. In the end a village settlement register is prepared. This contains particulars of every separate holding and one of the main duties of the land record department (which was properly constituted only in 1903) is to keep the register corrected up to date in order to facilitate subsequent settlements. Although the state nominally demands a sum not in excess of half the net value of the crop, the proportion actually taken depends, of course, in any year on the ruling price of grain. It was roughly estimated in 1855 that the assessment then amounted to half the gross produce on wet land and one-third on dry, but in 1912 it was reckoned that the government was getting less than one-tenth of the gross produce. It is safe to say that for many years the government has not received the authorised half rate. It may be added that, in 1912, an average district contained 157,000 government ryots and 107,500 survey fields.

We may now pass under review sundry departments which attained importance during our second period only, leading off with agriculture. At the outset the Company was not wholly neglectful of this subject, but its efforts were principally directed to the introduction of exotics. With an eye to cochineal it encouraged the growth of prickly pear (the blacker sin of introducing it is Portugal's). Bourbon cotton was introduced in the eighteenth century and before 1850 there were other

[1] G.O. 1008, Rev. 21 September, 1882.

earnest but unavailing attempts to improve the quality of the cotton grown. In 1865 an experimental farm was started at Saidapett, and there was some training of apprentices. Then a school of agriculture was started at the same place, and about 1886 this was developed into a college but the institution languished, and it was not until 1909 that instruction in agriculture was put on a firm footing by the opening at Coimbatore of a large agricultural college and research institute. On the administrative side development was even more discreditably tardy. The first step was taken in 1882 by the appointment of an agricultural expert to advise the director of settlement, but there was no real attempt to atone for a century's neglect until 1906, when a trained department was instituted and at once developed into an energetic and most important branch of the administration. It was enlarged in 1914, and two years later the control over it was transferred from the Board of Revenue to government.

Forestry is another subject which for long received inadequate attention. Naval demand for teak led to the appointment of a commissioner on the west coast in 1806, and this was followed by the establishment of a sort of government monopoly of the timber trade; but this gave rise to so much discontent that the system and the commissioner were abolished in 1822.[1] Malabar again received a special officer in 1847, and some control was established over the Anaimalai forest. Elsewhere collectors realised some revenue from permits and leases for cutting wood and grazing. In 1856 a conservator was appointed and, three years later, a "Jungle Conservancy Department" was organised. The forests were then divided into "imperial" under the conservator and "jungle conservancy" under the collectors. The jungle conservancy had a separate establishment, derived funds from seignorage and grazing fees, and did some useful work, mainly in the way of making plantations and avenues. At first the conservator's establishment was not sufficient to do more than raise a little revenue; but from 1871 trained officers began to come out from England and were placed under the collectors to whom the conservator acted as adviser. Not until Act V of 1882 had declared certain acts to be offences could conservancy and not exploitation be treated as the end principally in view, and meanwhile much harm had been done to the forests. The forest department then became a branch of the revenue department, the jungle conservancy department was abolished, the trained European staff was organised into advisory conservators and district forest officers, who ranked as assistants to the collectors.

The formal notification of "reserved forests", which began after the passing of Act V of 1882, was practically finished by 1911, when nearly 20,000 square miles had been brought under more or less strict control. The mode of working these forests now adopted where feasible

[1] Munro's Minute, 26 November, 1822.

is to lease them out by *coupes*, in rotation, to contractors who make their own arrangements for removal and sale. Inevitably the department has been very unpopular, and, in an effort to improve relations, it was decided in 1910–11 to disafforest many small areas and to make over certain other minor reserves to village committees for management. Up to the end of our period this experiment was reported to have had a measure of success.

The next subject for consideration is the local administrative bodies, the connection of which with education is dealt with elsewhere. In Madras town Streynsham Master's Civilian Scavenger, the Mayor and Corporation in silken robes, and George the Third's Justices of the Peace pass in succession across the stage, but it was when, in 1856,[1] these last handed over charge to a body of commissioners that the Madras Corporation started on its course. We need not follow its progress along the lines of extension of the elective principle, diminution of governmental control, enhancement of taxation. Outside the city the first municipal institutions were of a voluntary character, the townspeople being left to ask for the application to their towns of an act[2] which enabled the magistrate and persons appointed by government to raise taxes and see to the management of the streets and the prevention of nuisances. There was no active response to this invitation and, as townsfolk were not contributing fairly to the general expenses, it was resolved to compel them to pay something towards the cost of the police. A Town Improvement Act[3] was therefore passed and extended to numerous towns. This vested control of the streets, drains and so on in the district magistrate as president, the local public works officer and five or more persons appointed by government, rendered compulsory the levy of specified taxes to the point requisite to provide for certain purposes (including 75 per cent. of the cost of the town police) and authorised discretionary taxation beyond that point for other purposes. The reluctance of the municipal commissioners to impose taxation beyond the compulsory limit led to a revised Towns Improvement Act.[4] There were now the collector as president, the revenue divisional officer and three or more commissioners; provision was made for a system of election and a limit was put on the number of officials; education and medical relief entered into the list of purposes; liability for the police *per contra* disappeared;[5] the government got power to enforce taxation through supervision of the annual budget. The present law[6] severs the connection of the collector with the district municipalities, while leaving him a measure of control in emergencies; the only *ex officio* councillor is the revenue divisional officer; the minimum strength of the council is twelve; the maximum proportion of officials is one-fourth; the

[1] India Act XLV.
[2] India Act XXVI of 1850.
[3] Act X of 1865.
[4] Act III of 1871.
[5] This liability was reimposed by Act VII of 1878, but was enforced for a few years only.
[6] Act IV of 1884.

chairman may be appointed by government or by election; a proportion (usually three-fourths) of the council must be appointed by election;[1] taxation has been increased to meet the cost of water and drainage works.

When British rule was established, there was not a single road of any length fit for wheeled traffic; even the main streets of many of the largest towns were unusable by vehicles. Wheeled traffic was limited to rough farm carts on solid wheels. At first there was a good deal of military road-making, but the money spent on it was mostly wasted. Commercial roads were first considered in 1813; and then there was not a road which was not either ill-made or decayed. Bridges were almost unknown. The inland commerce being then small, the Board of Revenue did not ask for more than a grant to enable collectors to keep up their district roads, and the government sanctioned 30,000 rupees a year, with a promise (never fulfilled) of more. In 1825 communications were put under the "maramat department" of the board, the management remaining with the district officers. Such improvement followed as was possible with a total annual allotment of little more than one lakh, and it was reckoned in 1848 that about 90,000 travelling carts with "the European form of wheel" had come into being. In 1845 a trunk road department under a superintendent was formed to take over the main highways from the maramat department. The new official was provided with funds but no proper staff, and the main roads slipped again from his paralysed hands into those of the collectors, who on their part were so starved that their whole road-grants totalled less than 10,000 rupees. In 1852 there was "probably not a single mile throughout the presidency equal to an ordinary English turnpike road", and there were certainly not a thousand miles on which one could comfortably drive at six miles an hour. When a proper public works department was created in 1858, the roads generally were entrusted to it, but imperial funds proved inadequate and it was resolved to find money for the minor roads from other sources. This was at first done by an addition to the assessment on ryotwari land, but the unfairness of such an arrangement led to Act III of 1866, which enabled government to levy a road-cess on all occupied land, whether ryotwari or zemindari. Then the question of providing for education came up and it was decided to have a general measure dealing with rural roads, education and medical and sanitary improvements. The Local Fund Act (IV of 1871) was the result. This divided the country into circles (usually two to a district) which were placed under the collector as president of a board with a non-official element of half or more. The principal tax leviable under this act was a cess of one anna in the rupee on the annual rent value of all occupied land. With the help of contributions from this source the public works department continued to manage the roads until 1879, when the local

[1] Under the amending Act III of 1897.

fund boards started their own engineering establishments and took complete charge. The general system of administration was revised by the Local Boards Act (V of 1884), which has since been amended on several occasions. The district now came under a district board with the collector as president (though in recent years there have been cases of non-official presidents), the revenue divisional officers as *ex officio* members, and other members either appointed by government or (from 1887) in part elected. The revenue division was placed under a *taluk* board with the revenue divisional officer as president or (from 1912) with an elected president. In 1909 the partial election of members of *taluk* boards was introduced. In the case of both boards a majority of non-official members is provided for and full executive authority is vested in the presidents. The law further enables the government to constitute villages and groups of villages into unions under the control of *panchayats* or committees. A house-tax may be raised in such unions, but the principal source of revenue is still the tax on the rent value of land. The main objects of expenditure have been roads, bridges, elementary schools and hospitals, in respect of all of which, since 1871, great development has taken place, attributable largely to the zeal and knowledge of the official presidents.

The current century has produced its own minor departments and one of these promises to do much to relieve the farming class from the burden of debts incurred at extortionate interest from the money-lenders. The purpose of this department is to foster the growth of a system of co-operative credit societies, and so rapid has been the progress that in 1917 there were in existence 2644 societies with a working capital of 235 lakhs.

Such was the position at the end of our period: the mass peaceful and as contented as men ever are; on the surface some commotion crying for appeasement. The development of the administration since 1818 may seem to have been disappointingly slow in some directions; but it must be borne in mind that at the outset the presidency could not pay its way, and that for many years the resources available were very scanty. In 1825 Munro referred to the recurrent need of help from Bengal, and the Madras Public Works Commission in 1852 observed that Madras was invariably unable to provide its prescribed contribution towards "home charges" and was under constant pressure to economise. Only quite recently has the need for rigid economy ceased to hamper the government.

CHAPTER XVI

DISTRICT ADMINISTRATION IN THE UNITED PROVINCES, CENTRAL PROVINCES, AND PANJAB 1858–1918

UP to 1857 the development of administration had been in the main a process of improvisation, which responded to the varying conditions of the territories successively acquired rather than to the *a priori* requirements of any precisely defined system. The pacification after the Mutiny and the assumption of direct government by the crown inaugurated an era of reconstruction and assimilation which gradually substituted a régime of uniform law for one of discretionary regulations and diverse procedure, while preserving some measure of local adjustment to the varied needs of a very heterogeneous population. The change obliterated the distinction between regulation and non-regulation areas, while restricting in the latter the discretion and power of the district officer; and with improvement in communications the activities of government began to manifest themselves through centralised departments rather than, as previously, through the comparatively unfettered initiative of local officers. The reform of the Indian legislature in 1861 and its subsequent activity have been described elsewhere. Here we confine ourselves to their effects on district administration.

The enactment in 1859 of the Civil Procedure Code and in 1860 of the Indian Penal Code, followed in 1861 by that of the Criminal Procedure Code, was among the first-fruits of the new era.[1] The last two acts unified and simplified the criminal law, which in the three provinces had consisted of a confused medley of Islamic precepts, British acts and regulations, and judicial decisions.[2] The reform was of conspicuous benefit to administration.

In 1861 the first serious attempt was made to deal with the difficult problem of police by an enactment which embodied far-reaching reforms and which applied to all the three provinces.[3] Its principal feature was the constitution under each local government of a separate department of civil police, consisting of a formally enrolled homogeneous provincial force, on the model of the Royal Irish Constabulary, distributed over the districts and placed under an inspector-general, who was himself subject to the direct control of the local

[1] Whitley Stokes, *The Anglo-Indian Codes*, I, xii.
[2] Whitley Stokes, *op. cit.* I, 2.
[3] *Moral and Material Progress Report*, 1882–3, p. 78; *Imperial Gazetteer*, IV, 387, 388; *Report of Indian Police Commission*, 1903, chap. i, pp. 9–13.

government, and who was assisted by subordinate deputy-inspector-generals. Police administration in each district was placed in the hands of a superintendent, who was responsible for the working, discipline, and management of the force. But in order to combine the previous direct responsibility of the district magistrate with the introduction of departmental organisation, the superintendent was made subordinate to him in all that directly concerned the preservation of peace and the suppression of crime. The superior officers of the force, including the district superintendents, were Europeans. The districts were, as before, divided into convenient areas, each in charge of an Indian officer, of the rank of deputy-inspector, with a body of constables; a reserve under an inspector being maintained at headquarters. Village watchmen were retained, not as members of the force, though partially placed under the control of the local police officer, but as servants of the village communities, the headmen of which were legally bound to assist in the prevention and detection of crime. The powers of the police and much of their procedure were henceforth regulated by the provisions of the criminal procedure code, a limitation on previous methods, which, though desirable in itself, was probably of advantage to the criminal; while the improved quality of the judiciary, combined with the growth of a legal profession, tended to raise the standard of proof required in criminal trials. The reformed system, though not without defects, was an improvement on its predecessor, and it remained without drastic change for the next forty years. Police, however, continued to be a weak point in the administration, while the strength and qualifications of the force did not keep pace with growing requirements and progressive conditions, nor did it secure public confidence. In spite of some minor improvements effected in 1888–9 an enquiry made at the end of the century revealed a considerable increase in crime of the more serious kinds. A commission was appointed to investigate the whole subject of police administration, and it reported in 1903.[1] While approving the fundamental principles of the existing system, it criticised adversely the manner in which they had been practically applied, as well as the qualifications of all ranks of the force. It recommended many drastic reforms, most of which were introduced,[2] and in a few years secured highly beneficial results, as shown by the admirable manner in which the modern police force has acquitted itself during recent periods of disturbance.

Shortly after 1858 changes were made in the constitution of the judiciary. In 1866 a high court was established for the North-Western Provinces under the provisions of an English statute of 1861,[3] and a

[1] *Report of Indian Police Commission*, 1903, chap. ii.

[2] Government of India Resolution, 21 March, 1905, on Report of Police Commission (*Parl. Papers*, 1905, lvii, *Accounts, etc.* c. 2478).

[3] Field, *Regulations of the Bengal Code*, 1875, p. 149; *Imp. Gaz.* iv, 146; *Moral and Mat. Prog. Rep.* 1882–3, p. 68.

chief court with two judges for the Panjab. The constitution of the subordinate criminal courts was now regulated by the code of criminal procedure, the existing grades of sessions and magistrates' courts being retained. The collector kept his magisterial powers; but in the previously non-regulation areas, where such powers were wider, he was gradually relieved of the disposal of the increasing volume of civil litigation, except as regards suits between landlord and tenant; while the criminal and civil jurisdictions of the commissioners of divisions was transferred—in the Panjab as early as 1884[1]—to divisional judges, who corresponded to the district and sessions judges of regulation provinces, and who in more recent years have been completely assimilated to them both in name and functions. The Indian judiciary, both criminal and civil, grew rapidly and for many years it has largely predominated in all grades except the highest, nearly the whole of the original civil litigation being in its hands.

In 1859 the Panjab became a lieutenant-governorship,[2] and in 1861, that year of notable changes, the Central Provinces was constituted a separate administration under a chief commissioner with a judicial commissioner as principal judicial authority.[3] It comprised the Sagar and Narbada territories and the Nagpur state, together with certain other tracts acquired at various times. Its area, 100,000 square miles including Berar, is slightly less than that of the United Provinces and slightly greater than that of the Panjab.

After 1861 all provinces came within the sphere of the Indian legislature, though by no means identical laws applied to all. Some, such as the principal codes, did so; others applied to certain provinces only. One result was the termination of any practical distinction between regulation and non-regulation areas so far as administrative principles and methods were concerned. The non-regulation system was replaced by the constitution of "scheduled districts" under two enactments of 1870 and 1874.[4] In these areas only those legislative enactments were to be in force which the government might so declare, and it was further empowered to make special regulations for them. Both the United Provinces and the Panjab contain minor areas of this kind, mainly in the more remote hilly tracts.

After 1858 land administration shared in the general development, though without radical changes. The increasing prevalence of money-rents in the North-Western Provinces gradually furnished a more accurate means of estimating the incomes of landlords, as well as the rental value of non-rented lands, with reference to rents actually paid or to those estimated to be fairly realisable; thus affording a sounder basis for revenue assessment than the original rough "aggregate to

[1] *Adm. Rep. Panjab*, 1882–3, p. 646, and 1911–12, p. 31.
[2] *Adm. Rep. Panjab*, 1882–3, p. 37.
[3] Government of India Resolution, Foreign Department, of 2 November, 1861; *Adm. Rep. Cent. Provs.* 1882–3, p. 17.
[4] Baden Powell, *Land Revenue Systems of British India*, I, 89–92; *Imp. Gaz.* IV, 131.

detail" method.[1] Later, from 1878, as rent records became more plentiful and reliable, actual as opposed to estimated rents were used as data. In the second series of regular settlements, which began in 1858 and was completed in 1882, the standard of assessment was reduced from two-thirds to one-half of net rental, though it is now exceptional for even one-half to be taken. In the Panjab, rents being comparatively rare and paid in kind, as is usually the case even now, the original method of assessment was retained.[2] But in the course of the next fifty years, as the renting of land became more common, increased stress was laid on a money valuation of the kind-rental received by landlords or, in the case of non-rented lands, of the kind-rental which they could fairly pay if rented; though in practice, especially towards the end of the period, in view of the preponderance of peasant proprietors as well as for other reasons, the actual state demand has usually been substantially below the theoretical standard as measured on a rental basis. Revenue assessment in the Panjab was and still is a matter of local knowledge and individual judgment rather than of arithmetical calculations from assumed data. In the specially insecure tracts in the south-west of that province systems of fluctuating assessment have been introduced, under which land-revenue is assessed at prescribed rates on such crops only as actually mature at each harvest.[3] The wide extension of state canal irrigation in recent years has introduced complications into revenue administration with which it is impossible to deal here. For the actual consumption of water in irrigation specific water rates are charged, while the increased rental value of the irrigated land is assessed to land-revenue.

In Oudh after the Mutiny the estates of the rebellious talukdars were formally confiscated, more in order to secure a clear field for the determination of rights and the protection of subordinate tenures than as a punitive measure. Accordingly their estates were returned to all who submitted; and thereafter they held them as grantees of the government. By a reversal of the policy of 1856, settlement of the land-revenue was made in most cases with the talukdars; subject however to the important proviso that where a subordinate village community, or even single members thereof, had succeeded in maintaining a virtual sub-proprietary status as against the talukdar, the annual sum payable to him was fixed in amount, the community or the single members retaining control of the land.[4] This arrangement is known as a "talukdari" settlement. After a second summary settlement in 1858 the regular settlement of Oudh was begun on the

[1] Baden Powell, *op. cit.* II, 47–61, 66–8; Moreland, *The Revenue Administration of the United Provinces*, 1911, pp. 41–5; *Adm. Rep. N.-W. Provs.* 1882–3, pp. 43–4.
[2] Baden Powell, *op. cit.* II, 569–82; *Panjab Settlement Manual*, chap. vi.
[3] *Panjab Sett. Manual*, chap. xxvi.
[4] Baden Powell, *op. cit.* II, bk III, chap. iii; *Adm. Rep. N.-W. Provs.* 1882–3, p. 39; *Moral and Mat. Prog. Rep.* 1882–3, p. 132.

above lines in 1860 and completed in 1873. In about one-third of the province, there being no talukdars, settlement was made with the village communities in the usual way. Certain special incidents of the talukdari tenure were regulated by legislation in 1869.

The land-revenue administration of the North-Western Provinces was placed on a statutory basis by Act XIX of 1873 and that of Oudh by Act XVII of 1876. They were replaced by Act III of 1901, which applies to the present United Provinces (of Agra and Oudh). The corresponding enactments for the Panjab were XXXIII of 1871 and XVII of 1887. All these deal with the powers and functions of revenue officers of all grades, with the principles and procedure of land-revenue assessment, and with the maintenance of records of rights; but the subjects of tenancy and rent are regulated by separate enactments.

In the newly constituted Central Provinces most of the villages were of the ryotwari type. Under the oppressive rule of the Marathas very many of them had been farmed, commonly to their own headmen, who were termed *patels*. Over groups of others various classes of persons, local tribal chiefs or their relatives, grantees of state revenue, and others, had acquired a proprietary status on quasi-feudal conditions as jagirdar or talukdar. Prior to 1861 summary settlements of various kinds had been made. It was decided at the regular settlement, which began in 1863 and was completed in 1870, to recognise all the above classes as proprietors, under the common designation of *malguzar*, or revenue-payer, and to make the settlement with them.[1] This arrangement, however, in strong contrast to the Bengal system, was combined with an ample measure of tenant-right, by which a large majority of tenants received substantial protection. This form of settlement is known as *malguzari*. In the first regular settlement the assessment of land-revenue followed generally the "aggregate to detail" method already described.[2] Tenants whose claims were based on length of time or on the expenditure of capital on improvements were recognised as full proprietors of their holdings, practically independent of the *malguzar*. Others with weaker claims were allowed an occupancy tenure, varying in its incidents, but in all cases affording security in respect of ejectment and rent, the latter being fixed at settlement but liable to periodical revision.[3] The tenancy law was codified on the above principles by acts passed in 1883 and 1898, which also gave a measure of similar protection to ordinary tenants without occupancy right. The land-revenue law of the Central Provinces was embodied in Acts XVIII of 1881 and XII of 1898.[4] In consequence of the special position of tenants rents have ceased to be the direct result of economic forces, so that the assessment of land-

[1] Baden Powell, *op. cit.* II, 385–8; *Adm. Rep. Cent. Provs.* 1911–12, pp. 22, 23; *Moral and Mat. Prog. Rep.* 1882–3, p. 137.
[2] Baden Powell, *op. cit.* II, 390.
[3] Baden Powell, *op. cit.* II, 478–99; *Adm. Rep. Cent. Provs.* 1911–12, p. 26.
[4] Baden Powell, *op. cit.* II, 501.

revenue is primarily the assessment of such rents as the settlement officer may consider reasonable in the circumstances of the tract concerned. The actual method employed, known as the "soil unit" system, is complex. Its main object is the equalisation of rent incidence with reference to the quality of soil, which is minutely classified by means of a proportionately numerical valuation in terms of an assumed common unit, known as the "soil unit". Having regard to certain general considerations a fair rent rate per unit is determined, and by a discreet application of this rate, more or less modified according to local circumstances, a fair rental for each holding and village is framed.[1] The land-revenue due to the government is about one-half of the sum thus obtained. The land-revenue of Berar, which is not legally British territory, though it is attached to the Central Provinces, has been settled on the ryotwari system in force in the Bombay Presidency.[2]

In all three provinces assets due to agricultural improvements effected by private labour and capital are exempted from assessment for a period of years sufficient to yield a remunerative return; while the rigidity of the fixed land-revenue demand is mitigated by its suspension or, when necessary, by its ultimate remission, on occasions of widespread agricultural calamity.

For many years after the Mutiny tenant right constituted a very intricate problem in the North-Western Provinces, Oudh, and the Panjab. The Bengal Act X of 1859 applied only to the first, but it was replaced by the successive North-Western Provinces Acts XVIII of 1873 and XII of 1881, though neither effected any change of principle.[3] These acts protected certain tenants of long standing in the permanently settled Benares districts as well as tenants who had once been proprietors, and they maintained the twelve-years rule which has been already explained in another chapter. A certain measure of protection was also accorded to the interests of all tenants, while collectors and subordinate revenue officers were empowered to dispose judicially of suits between them and landlords. The later Act II of 1901 effected no radical changes. In Oudh the first tenancy law was the Rent Act XIX of 1868. In view of the wide protection afforded to sub-proprietors under the talukdari settlement, occupancy right was allowed only to those tenants who had lost proprietary right within the thirty years preceding annexation, but this being found to be insufficient,[4] a subsequent act (XII of 1886) went further by ensuring to all non-occupancy tenants a tenure for seven years without increase of rent; and even this measure has been found to be inadequate.

In the Panjab in 1863 a controversy arose as to the propriety of the

[1] Baden Powell, *op. cit.* II, 415–31; *Adm. Rep. Cent. Provs.* 1911–12, pp. 30–2.
[2] *Adm. Rep. Cent. Provs.* pp. 27, 33.
[3] Baden Powell, *op. cit.* II, p. 175; *Adm. Rep. Unit. Provs.* 1911–12, p. 19.
[4] Baden Powell, *op. cit.* II, 246–9; *Adm. Rep. Unit. Provs.* p. 19.

methods by which tenant right had been treated in the first regular settlement. It led to a lengthy enquiry into the actual status of tenants throughout the province, of which the ultimate outcome was the Panjab Tenancy Act XXVIII of 1868.[1] While saving, subject to a few exceptions, all rights previously conferred, it abolished, for the future, acquisition of occupancy right by mere lapse of time. On the basis of existing custom and with reference to considerations of equity, five classes of cultivators were defined as eligible for such a right, its incidents varying with each class. The act also regulated the rents of occupancy tenants, and afforded some measure of protection to all tenants. It was considerably amended and amplified in details by the existing Act XVI of 1887.

Mainly as a result of the famine of 1860–1 the question of the extension of the permanent settlement to Upper India was revived after the lapse of fifty years.[2] An influential official school inclined to the view that such a measure would foster economic prosperity, and in 1862 the secretary of state, Sir Charles Wood, went so far as to accept it in principle. But further prolonged discussion of methods and details showed not only its impracticability but also its essential unwisdom, and in 1882 it was finally abandoned after it had been established that in permanently settled tracts prosperity was no greater than elsewhere. In recent years short-period settlements have been avoided as far as possible, and a general term of thirty years adopted, except in tracts where specially rapid development due to the construction of state canals is foreseen.

Special measures for the organised collection of reliable information regarding the economic condition of a vast agricultural population, coupled with the maintenance of correct records of landed rights, were initiated in the last quarter of the century.[3] Previous efforts in this direction had been confined to the occasion of a settlement of the land-revenue, so that by the expiration of its term, many years later, the statistics and records had necessarily become hopelessly out of date. In 1875 reform was initiated in the North-Western Provinces, and five years later a Famine Commission strenuously recommended the establishment of special departments in each province. These were constituted in 1880 under the designation of departments of land records and agriculture, each under a provincial director. Originally they had little concern with technical agriculture: their function was to secure the two main objects already indicated. Of the first the primary purpose is to obtain the earliest possible information of the premonitory symptoms of famine, though many other useful ends are also secured. By the continuous maintenance of correct records of

[1] *H. of C. Papers*, 1870, vol. LIII; *Panjab Sett. Manual*, p. 100 *sq.*; Baden Powell, *op. cit.* II, 705–22.

[2] *H. of C. Papers*, 1887, vol. L; Baden Powell, *op. cit.* I, 340–9; *Panjab Sett. Manual*, p. 254; *Moral and Mat. Prog. Rep.* 1882–3, pp. 117–19.

[3] Baden Powell, *op. cit.* I, 349–60; *Report of Famine Commission*, 1880; *Imp. Gaz.* IV, 24.

rights it was hoped to shorten the settlement operations periodically undertaken in each district, a hope which has been realised. The introduction of more scientific methods of cadastral survey has greatly promoted progress in this direction, while all transfers of right are promptly attested and registered, correct record being thereby facilitated. As the result of the policy adopted, the three provinces now possess up-to-date land records probably unrivalled in the world, and containing detailed information about each one of several millions of fields and holdings and many thousands of villages; while the usual duration of settlement operations in a district has been reduced from six years to little more than three.

The importance of irrigation is indicated by the fact that the total area of crops irrigated by state canals in the Panjab and the United Provinces increased from seven and a half million acres in the first years of the present century to nearly eleven million acres in 1917–18,[1] while the entire capital cost of the works in the latter year was approximately twenty-two millions sterling. The greatest progress has been in the Panjab where the area irrigated quadrupled during the forty years ending 1918. It was in 1866,[2] when Lord Lawrence, as viceroy, inaugurated the policy of financing productive public works from loan funds, that the modern development of irrigation began. The first-fruits were the Sirhind[3] Canal in the cis-Satlej-Panjab, which, originally proposed in 1841, was sanctioned in 1870 and opened in 1882, with a total length, inclusive of branches and distributaries, of 3700 miles; the Lower Ganges Canal in the southern part of the Doab of the North-Western Provinces, sanctioned in 1872 and completed in 1878, and the Agra Canal, opened in 1874, which provides irrigation on the west of the Jumna. Between 1870 and 1876 the Upper Bari Doab Canal, and fifteen years later the Western Jumna Canal were greatly improved and extended.

But the colony canals of the Panjab have been the most striking irrigational development of the period under review.[4] Their primary object was not to serve areas already cultivated, but to make possible the colonisation and development of the immense areas of waste crown land which existed in the province within recent years and on which large numbers of colonists selected from congested districts have since been settled on specific terms as lessees of the state. The encouraging results of two experiments made on non-perennial canals in the 'eighties led to more ambitious schemes. In 1890 work began on a perennial canal, with a head weir from the river Chenab, designed to irrigate the waste tract—termed Bar—lying between it and the Ravi. Now known as the Lower Chenab Canal, it has proved

[1] *Imp. Gaz.* III, 331; *Statistical Abstract relating to British India*, 1917–18, p. 150.
[2] *Imp. Gaz.* IV, 329; *H. of C. Papers*, 1866, vol. LII; 1867, vol. L.
[3] *Triennial Review of Irrigation*, 1918–21, Calcutta, 1922, pt III, chap. v.
[4] *Idem*, pt III, chap. vi.

to be one of the most successful irrigation systems in India, if not in the world. Its total length is nearly 2700 miles. Colonisation began in 1892, with the aid of a defective "inundation" canal, but the new canal was not complete until 1899. By 1901 the population of the tract had increased from practically nil to 800,000, while the area now annually irrigated exceeds two million acres. The yearly net revenue from the canal is nearly 40 per cent. of its capital cost of more than two millions sterling. The headquarters of the colony are at Lyallpur, one of the most flourishing towns in Upper India. The second Colony Canal,[1] the Lower Jehlam, in the tract between the rivers Jehlam and Chenab, though sanctioned in 1888 was not begun until 1898 and was opened in 1902. Its results have been satisfactory. At the beginning of the century a project was on foot for the irrigation of the lower portion of the Bari Doab from the river Satlej. Meanwhile a commission[2] was appointed in 1901 for the formulation, after full enquiry into past results and existing needs, of a definite irrigation policy for India as a whole. It reported in 1903. It found in the Panjab one of the few tracts in which there was scope for the execution of large productive schemes, which would both be financially remunerative and also augment the food supply of the country. It supported the proposal to irrigate the lower part of the Bari Doab while recommending the examination of an alternative scheme, suggested by Sir James Wilson, a distinguished civil servant, and Col. Jacob, an eminent irrigation officer, which substituted for a canal from the Satlej a chain of canals which would successively convey the water of the river Jehlam across the intervening Chenab and Ravi rivers to the lower Bari Doab. This scheme, now known as the Triple Project[3] and comprising the Upper Jehlam, Upper Chenab and Lower Bari Doab canals, was ultimately approved. Its construction, which cost seven millions sterling, took ten years, from 1905 to 1915. The first two canals supply water to the third while irrigating extensive areas in the tracts through which they pass. The total length of the canals with distributaries is 3400 miles and the area irrigated nearly two million acres. Colonisation was still in progress in 1918.

In the United Provinces the Betwa Canal, a protective work for insecure districts in Bundelkhand, was opened in 1885 and proved its value in the later famines. The Irrigation Commission recommended other protective but non-remunerative works, of which the Ken Canal, also in Bundelkhand, was opened in 1908. Up to 1907 there were no state irrigation works in the Central Provinces. Until 1896 a complete failure of rain had been unknown, but in the following famine years the tract suffered severely. The commission, holding that protective irrigation was necessary, recommended the construction of

[1] *Triennial Review*, p. 137.

[2] *Imp. Gaz.* III, 351 *sq.*; *Triennial Review*, pp. 109–10; *Report of Indian Irrigation Commission*, Calcutta, 1903.

[3] *Triennial Review*, pp. 131 *sqq.*

small canals, and also of reservoirs for the storage of local rainfall and of the comparatively precarious river supply. Up to 1918[1] several of the latter had been completed, the most notable being the Ramtek tank in the Nagpur district with a capacity of 4000 million cubic feet, while three fairly large canals were still under construction. In 1918 several large new schemes for the Panjab and the United Provinces were being considered. Some of these have since matured, the most noteworthy being the Satlej valley project,[2] with an estimated capital cost of nine and a half millions sterling.

As a result of the extensive development which has been sketched above irrigation had by 1918 become an important branch of district administration. Local work is in the hands of officers of the irrigation branch of the provincial public works department, but the collector is intimately concerned with its success and is generally consulted in all important developments. Moreover, he and his superiors, as land-revenue officers, have a preponderant voice in the determination of the rates charged for the consumption of canal water, while he is also responsible for the collection of the resulting demand, though its actual assessment at harvest time is usually made by irrigation officers. In 1917–18 net revenue from state canals in the Panjab was 1·8 millions sterling, in the United Provinces £580,000, while in the Central Provinces there was none.[3]

Modern famine policy has been treated in another chapter, but a few facts may be added here.[4] In 1860–1 severe famine affected an area of 50,000 square miles containing a population of twenty millions. It comprised the south-eastern Panjab and the west of the present United Provinces. The policy of relief on public works, initiated in 1837–8, was retained and expanded, while poorhouses for the gratuitous relief of the incapable were opened for the first time. Remissions of revenue were comparatively small but considerable advances were made. Gratuitous relief appears to have been liberal: in the Hissar district of the Panjab, for example, its recipients were treble the number of persons on relief works.[5] The same tract was again severely attacked in 1868–9 by a famine which was far more widespread than the last. Distress was extreme, mortality great, and the destruction of cattle immense, while a heavy influx of starving multitudes from the feudatory states, which were without famine organisation, greatly aggravated the situation and in fact broke down the relief system. In the United Provinces the state spent nearly Rs. 30 lakhs in addition to heavy expenditure in the Panjab.[6] In 1896–7 the same areas again suffered from intense famine, and the Central Provinces were for the first time affected. But on this occasion the

[1] *Triennial Review*, p. 128. [2] *Idem*, p. 170. [3] *Statistical Abstract*, 1917–18, p. 150.

[4] *Imp. Gaz.* III, 485; *Rep. of Fam. Comm.* 1880, p. 12; *Adm. Rep. Unit. Provs.* 1911–12, p. 12; *H. of C. Papers*, 1862, vol. XL. [5] *Gazetteer of Hisar District*, 1892, p. 23.

[6] *Imp. Gaz.* III, 487; *Rep. of Fam. Comm.* 1880, p. 12; *Adm. Rep. Unit. Provs.* 1911–12, p. 22.

organisation, as testified by the subsequent Famine Commission of 1898,[1] was far more efficient than it had been previously, while the agricultural population generally showed a power, hitherto unknown, of meeting the disaster. In the Panjab Hissar was again the most distressed district, and it accounted for more than one-half of the total number relieved in that province, at one time as many as 15 per cent. of its total population being in receipt of relief. Rs. 167 lakhs were spent in the United Provinces and Rs. 23 lakhs in the Panjab in addition to heavy suspensions and remissions of land-revenue.[2] Once more in 1899–1900 the south-eastern Panjab and the Central Provinces were very severely attacked. Distress was more intense than in 1896–7 and cattle mortality, owing to a complete failure of fodder, enormous.[3] In the Panjab the death-rates of the affected districts rose considerably but mortality from actual starvation was prevented. Relief operations in that province cost Rs. 48 lakhs, most of which was incurred in the Hissar district. The great development of irrigation and of communications which has been achieved in recent years, the elaboration of a complete famine organisation, not only in British territory but also in the feudatory states, and, last but not least, the growth of general economic prosperity have gone far to vanquish one of India's direct and most persistent scourges.

The forests of India are of the first importance, not only for their natural products but also through their influence on climate, rainfall, and water supply. As has been truly said they are "the headworks of Nature's irrigation scheme in India". Under native rule unchecked destruction and wasteful misuse did untold damage. Up to 1855 British attempts at management were sporadic and dominated by considerations of revenue, but in that year Lord Dalhousie inaugurated a policy of scientific conservation and regulated exploitation.[4] An inspector-general of forests was appointed nine years later, but it was not until 1869 that an organised forest department with a staff of trained officers came into existence. Indian forest lands are the property of the state, though generally more or less burdened with public or private customary rights of user, largely grazing, in favour of village communities or individuals; a feature which mainly decides the degree of conservation which can be applied. Those classed as "reserved" are important for purposes of scientific forestry. Forests are "protected" with a view to later reservation or in order to increase their direct utility to the agricultural population; while in "unclassed" forests very few, if any, restrictions are enforced. The first legal basis for forest administration was the Indian Forest Act of 1865, which was replaced by the existing Act VII of 1878. It prescribes, *inter alia*,

[1] *Rep. of Fam. Comm.* 1898.
[2] *Adm. Rep. Unit. Provs.* 1911–12, p. 23; *Adm. Rep. Panjab*, 1911–12, p. 24.
[3] *Adm. Rep. Panjab*, 1911–12, p. 25.
[4] *Imp. Gaz.* III, 107 *sq.*; *Moral and Mat. Prog. Rep.* 1882–3, pp. 202 *sqq.*; *H. of C. Papers*, 1871, vol. LII.

a procedure for the adjudication and record of public and private rights in forest lands and for their extinction in the reserves, if necessary, by compensation or exchange; the entire operation being known as a forest settlement. Each provincial government has a forest department under a conservator of forests. For executive purposes there are deputy-conservators, or district forest officers, each in charge of a division, corresponding to a civil district, with an assistant and a subordinate staff. The collector is not concerned with technical forest work, but the deputy-conservator is under his control in all matters which directly concern the people, such as grazing in forests, levy of fees, and supply of forest produce. The collector, or a specially deputed officer, carries out forest settlement operations, often a lengthy and intricate business. Up to 1921 the Government of India controlled forest administration through its inspector-general. The main objects of the department are scientific improvement and regeneration of the forests, and, as subsidiary measures, protection from fire and from illicit grazing. Produce of various kinds is commercially extracted in accordance with prescribed working plans, which regulate this as well as other branches of forest technique. The United Provinces and the Panjab are not of great importance as measured by the proportion of forest to total area, which is 7 per cent. in each. In the Central Provinces, however, the figure is 20 per cent., the forest area consisting of 20,000 square miles of "reserves".[1] Former large areas of unclassed forest in the Panjab plains have been entirely colonised in recent years. The reserves in all three provinces are chiefly in the hills.

Smuggled importation from feudatory states together with the wide prevalence of illicit distillation of alcohol, facilitated by the abundance of suitable material supplied by the cultivated sugar-cane and by the wild *mahua* tree (*Bassia latifolia*), long hindered progress in excise administration. But by 1918 much had been accomplished through restriction of supply to supervised distilleries and by improving the quality of the preventive establishment.[2] An excise law, applying to the North-Western Provinces, was passed in 1856, which provided for central distilleries. But in view of their previous failure, it was not until 1863 that they generally displaced the system of farms and out-stills in the North-Western Provinces, though in Oudh they had been introduced in 1861. A duty was levied on all spirituous liquor produced, and the right of vend at specified shops was leased separately. By 1870 it became clear that the change had been too extensive, and in 1873 illicit traffic was found to be very prevalent. Again there was a reversion to farms and out-stills in many districts. Matters remained thus in the United and the Central Provinces until the early years of this century, farms and out-stills prevailing in one-third and nearly

[1] *Statistical Abstract*, 1917–18, p. 157.

[2] *Imp. Gaz.* II, 235; *Parl. Papers*, LXII, 609 *sqq.*; *Moral and Mat. Prog. Rep.* 1882–3, pp. 170–1; Papers relating to Excise administration in India, *Government of India Gazette*, 1 March, 1890.

three-fourths of their respective areas. Throughout the Panjab, where previously there had been no excise restrictions, the farming system was in force for some years after annexation, but in 1863 it was entirely replaced by central distilleries, with separate licences for sale at specified shops. Under this system, which continued for nearly forty years, taxation was substantially increased, so that by 1890 illicit traffic was more rife than in the rest of India. In the early years of this century central distilleries gave place throughout the province to a few private distilleries of modern type located at selected places. Under direct official supervision and in mutual competition, they supplied spirituous liquor, after payment of duty, and at prices liable to government control, to local vendors, who were separately licensed for specified shops. The system was known as the "free supply" system. Only in two small areas, peculiarly situated, were out-stills allowed.

With the passing of an Excise Act in 1896 matters had developed thus far when in 1905 the government referred the whole question of excise administration in India to a committee for review and for advice.[1] In doing so it declared definitely that, while refusing to interfere with the moderate use of alcohol, its settled policy was to minimise temptation for the abstainer and to discourage excess among others; and that no considerations of revenue could be allowed to hamper this policy. It held that the most effective means of pursuing this was as high a taxation of liquor as was possible without stimulating illicit production and resort to harmful substitutes. While recognising that uniformity of method was impossible, it regarded the continuance of extensive farm and out-still areas, of crude distillery systems, and of low rates of taxation as defects to be remedied as soon as possible. After a lengthy enquiry the committee in 1906 submitted with its report detailed recommendations for the future course of excise administration, most of which, with some modifications, are now in force.[2] In each of the three provinces spirituous liquor is made in private licensed distilleries under official supervision. After payment of duty it is supplied to local licensed vendors under officially controlled arrangements and at regulated prices. Out-still areas have been reduced to a minimum in the United and the Central Provinces, and entirely abolished in the Panjab. Separate licences, containing many desirable prohibitions and restrictions, for the retail vend of liquor at specified shops are issued on fees which are generally determined by auction. The duty is enhanced from time to time with the object of increasing the proportion borne by its yield to that of vend fees; but the risk of stimulating illicit distillation hampers the process. On all foreign liquor, spirituous or fermented, import duty is levied,

[1] Report of the Excise Committee, 1905–6, and Government of India Resolutions thereon, in *Parl. Papers*, 1907, LVIII, 645 *sqq*.

[2] Provincial Excise Administration Reports for 1907–8 and subsequent years.

and sale is controlled by licences; while the production of beer, mainly for European consumption, is also subject to excise regulations. The general Excise Act has been replaced by separate provincial enactments.

Opium was extensively grown in the Panjab before its annexation, but its cultivation, manufacture and sale were soon brought under control.[1] The first was gradually restricted and is now prohibited except in a few small hill tracts, very little opium being at present locally produced. For public consumption opium manufactured by government agency is issued at a monopoly price to vendors licensed, on fees usually determined by auction, to sell at specified shops. In the United and the Central Provinces the supply is confined to such government opium.

In 1893 a commission investigated the production, sale and consumption of drugs made from the hemp plant (*Cannabis sativa*).[2] It did not recommend prohibition, but control and restriction. The control is enforced by a system of licences for sale similar to liquor licences. Cultivation has been greatly restricted, most of the supply being imported from Central Asia.

Local excise administration is one of the more important duties of the collector. The work has grown greatly in volume and complexity in the present century; the total net revenue of the three provinces in 1917–18 being 2·2 millions sterling.

Important developments connected with agriculture, with rural indebtedness, and with the closely allied subject of co-operation have taken place within recent years. As has been already stated the provincial departments of land records and agriculture, instituted in 1880, had little concern with technical agriculture. In 1901, as a first step towards its more scientific organisation, the Indian Government appointed an inspector-general of agriculture with a small staff of experts. During the next few years the subject of agriculture was separated from land records and provincial departments instituted, each under a director with a small staff, subsequently increased by the addition of trained officers. The fundamental object of these departments is the development, by experiment and research, of improved agricultural methods and implements, of better qualities of seed, and of effective means of coping with crop diseases and insect pests. With the growth of the departments many experimental stations and demonstration farms had been established by 1915 and were doing satisfactory work.[3] Several cultural and manurial problems had been dealt with, greatly improved varieties of seed for important crops had been produced, and the introduction of better implements had begun. For the provision of sound agricultural training on

[1] *Imp. Gaz.* IV, 245; Report of Opium Commission, 1893, *H. of C. Papers*, 1895, vol. XLII.

[2] Report of Indian Hemp Drugs Commission, 1893, and Government of India Resolution thereon of 21 March, 1895.

[3] Annual Reports of Provincial Agricultural Departments.

scientific lines, an essential feature of the entire scheme, provincial agricultural colleges, with research institutes attached, have been established; while a central college at Pusa in Bihar provides more advanced instruction. The three provinces have taken their full share in the progress, their colleges being located at Cawnpore, Nagpur, and Lyallpur respectively. The last, situated in the Chenab colony, is now a leading centre of research, experiment and instruction. Though the modern movement was started not in response to popular demand, but on the initiative of the government, the agricultural department has succeeded to a surprising degree in securing the confidence of the rural classes. The collector, though having no control of its technical operations in his district, is closely concerned with it on its administrative side and with its general results.

Debt is an inevitable adjunct of peasant agriculture, but under an unhealthy system of credit, where numerous illiterate and often thriftless rural borrowers are in the toils of literate and astute money-lenders, it is apt to become both a fruitful economic evil and a political danger. The grant of freely transferable proprietary rights to the peasantry of the Panjab and of the United Provinces, combined with a novel moderation in the fiscal demands of the state, put at its disposal a volume of credit which grew with the value of land and of its produce. In the period 1875–1900 indebtedness increased rapidly, and with it the sale and mortgage of agricultural land. In the Panjab the evil had attained alarming proportions by the latter year. After very prolonged investigation and discussion a remedy was sought in legislation. The Panjab Alienation of Land Act of 1900,[1] while not affecting transfers of land between members of the agricultural tribes of the province, narrowly restricts such transfers where the transferees are members of other classes, which include most of the professional money-lenders. The undue restriction of credit, the general fall in land values, the widespread evasion which some anticipated as necessary results of the measure, have not occurred. Credit is being placed on a more healthy basis by the co-operative movement noticed below; the rise of land values, though not necessarily beneficial to the rural population, has continued steadily, while the peasant himself now regards the act as an indispensable factor of his economic security. Its proper administration is one of the important duties of the deputy-commissioner. Similar legislation has not been found to be necessary in the United Provinces except in Bundelkhand, where it was introduced in 1903.[2]

It is, however, rural co-operation combined with improved agricultural practice, which is proving itself to be the most effective means of raising the economic condition of the peasantry. The subject is one which deserves a much closer study than is possible here. After a

[1] *Adm. Rep. Panjab*, 1911–12, p. 49, and other extensive literature.
[2] *Adm. Rep. Unit. Provs.* 1911–12, p. 20.

preliminary period of investigation, with practical experiments in various parts of India, a Co-operative Credit Societies Act was passed in 1904, which provided legal facilities for the formation and working of such societies. In the light of subsequent experience it was replaced by the Co-operative Societies Act of 1912, an improved measure of wider scope, which, in addition to credit societies, provided for societies co-operative in the purchase of seed and implements, the marketing of produce, and in other activities. A rural credit society is broadly of the German Raiffeisen type, though with certain differences. Its membership is confined to a small specified area, and its function is to lend among its members for approved objects connected with agriculture, including reasonable domestic consumption, funds raised on their joint and several unlimited liability. A small entrance fee is charged, and in the Panjab and the United Provinces, but not in the Central Provinces, each member contributes in addition a small amount of share capital. Deposits are received from both members and non-members, and further capital is borrowed from other societies or from central banks, which form an integral part of the system and are in touch with the external money market. A committee of members constitutes the managing body, and as no paid staff is employed, working expenses are at a minimum; but borrowers are charged a rate of interest, which, though much less than that usually taken by money-lenders from single borrowers, allows of the accumulation of a reserve fund. The whole of the above resources are employed as working capital; and an immense alleviation of rural indebtedness is being gradually effected, while the moral education in self-help, thrift, self-respect, and social solidarity which is being silently imparted can scarcely be overestimated. Many societies for co-operative objects other than credit have been started. In each province the local government appoints a registrar with one or two assistants, who, with a trained staff, superintend and advise the societies in addition to performing statutory functions under the act.[1] The figures for agricultural societies in 1918–19—United Provinces, 3177; Central Provinces, 3871; Panjab, 5087—show the extent to which the movement has spread. It is one of the most effective economic and educative influences which have been introduced into India.

The modern development of local self-government is described in another chapter. Beginning in 1873 with Lord Mayo's measures for the decentralisation of finance,[2] it was placed by Lord Ripon in 1881–2 on a broader basis, with a largely increased elective element and with a limited degree of freedom from official control. In actual practice, however, most local bodies were dominated by the influence of the district officer, and, in financial matters especially, by the

[1] Annual Provincial Reports.
[2] *Imp. Gaz.* IV, 287 *sqq.*; *Parl. Papers,* 1883, LI, 1 *sqq.*; *Moral and Mat. Prog. Rep.* 1882–3, pp. 59–63.

increasingly centralised control of the provincial government and its departments; both being exercised in the interests of administrative efficiency, which otherwise, there can be little doubt, would have seriously deteriorated, there being then no public opinion competent to compel local bodies to discharge their responsibilities. The district officer was not merely the controlling guide of local bodies, but their main active element; their affairs forming a considerable part of his daily work; a position which continued until the Indian Decentralisation Commission issued its report in 1909. It found that progress in local self-government had been hindered because local bodies, and more especially rural boards, had no real power and responsibility owing to want of funds and to excessive control. It made many drastic proposals for removing the trammels, the more important of which, after reference to provincial governments, the Indian Government accepted in 1915[1] with certain reservations and modifications. As a general result central departmental control was much relaxed and in some respects abrogated; local bodies have been placed in a freer and stronger financial position; while in municipalities official chairmen have for the most part disappeared. What the ultimate practical outcome will be in terms of public health and convenience remains to be seen. In the year 1917–18 there were in the United Provinces, the Central Provinces and in the Panjab, 83, 57 and 100 municipalities respectively, which contained in the case of the first two 6½ per cent., and in the case of the third 8 per cent. of the whole provincial population.[2]

The important subject of education has been treated elsewhere. Its administration being for the most part in the hands of the provincial education departments, its connection with district administration has been mainly through the local bodies, who have helped to finance primary, and to some extent also secondary education, without, however, exercising much actual control over either. The function of the district officer has been to co-operate, advise and encourage on a basis of general interest, supervision and local knowledge.

The main lines which the development of district administration has followed have now been sketched. Throughout the process the district officer—collector or deputy-commissioner—on the whole retained the position of principal local official of the government, in direct control, so far as his district was concerned, of its chief activities, and in direct touch with all others conducted by more purely departmental officials not wholly subordinate to him. The extremely multifarious nature of his work has been indicated. His primary duties are the collection of revenue from the land and from other sources, and the exercise of judicial powers, criminal and revenue, both of first instance and in appeal. But police, jails, municipalities, rural boards,

[1] Government of India Resolutions 55–77, 28 April, 1915.
[2] *Statistical Abstract for* 1917–18, p. 98.

education, roads, sanitation, dispensaries, local taxation, agricultural statistics, records of rights and irrigation are matters with which he is more or less daily concerned, directly or indirectly. He is also responsible for the maintenance and submission of correct accounts of extensive local receipts and expenditure, and for the safe custody of large amounts of public money. He must, moreover, be familiar with the social life of the people and with the natural aspects of his district. But the district officer who should seek to undertake personally the daily minutiae of all these subjects would be unwise, not to say incompetent. With a comparatively few of them to do so is inevitable, but the main, the most important work is continuous supervision and control of subordinates, combined with a broad view and a strong but kindly grasp of the changing aspects and the half-expressed needs of the mass of human beings committed to their care. Centralised control has doubtless increased; but the common complaint that it has harmfully restricted the initiative of the district officer is in the main an exaggeration. It has certainly increased his otherwise manifold preoccupations, and where he has not been provided with adequate staff the result has been harmful. But he has been able to succeed just in so far as he has appreciated the need for, and has skilfully arranged, wherever possible, a devolution of actual work to properly qualified subordinates.

CHAPTER XVII

THE DEVELOPMENT OF FAMINE POLICY

THREE hundred years ago the Dutchman, Francisco Pelsaert, travelling in Upper India, described in vivid language the relations between agriculture and the seasons:

> The year is here divided into three seasons. In April, May and June the heat is intolerable, and men can scarcely breathe, more than that, hot winds blow continuously, as stifling as if they came straight from the furnace of hell. The air is filled with the dust raised by violent whirlwinds from the sandy soil, making day like the darkest night that human eyes have seen or that can be grasped by the imagination. Thus in the afternoon of 15 June, 1624, I watched a hurricane of dust coming up gradually, which so hid the sky and the sun that for two hours people could not tell if the world was at an end, for the darkness and fury of the wind could not have been exceeded. Then the storm disappeared gradually, as it had come, and the sun shone again. The months of June, July, August, September and October are reckoned as the rainy season, during which it sometimes rains steadily. The days are still very hot, but the rain brings a pleasant and refreshing coolness. In November, December, January, February and March it is tolerably cool, and the climate is pleasant.
>
> From April to June the fields lie hard and dry, unfit for ploughing or sowing owing to the heat. When the ground has been moistened by a few days' rain, the cultivators begin to sow indigo, rice and various food grains eaten by the poor. When all these are off the land, they plough and sow again, for there are two harvests; that is to say in December and January they sow wheat and barley, various pulses and "alsi" (linseed) from which oil is extracted. Large numbers of wells have to be dug in order to irrigate the soil, for at that time it is beginning to lose its productive power. Provided the rain is seasonable and the cold is not excessive, there is a year of plenty, not merely of food, but in the trade of all sorts of commodities.[1]

But if the rain is not seasonable, if the monsoon fails over large tracts which cannot be sufficiently irrigated from ponds, rivers, wells or canals, the crops which are the mainstay of the countryside must be sown in a much restricted area and will often be poor even there; the grass which has been burnt up by the blazing sun and burning winds of March, April and May cannot revive, and both the milch-cows and the plough and transport cattle, which are the cultivator's working capital, are decimated. The water level falls; and the supply is tainted with noxious germs. The peasantry see their means of livelihood vanish. If no remedy be forthcoming they must starve. Destitution will bring cholera and pestilence in its train; and thousands of humble lives will be sacrificed. Such is famine in that grim shape which it has often worn. But nature sometimes relents; and man has done much to combat this king of terrors.

The drought which follows a feeble monsoon may be mitigated by light winter rains; and in any case there are marked differences of

[1] Pelsaert, *Jehangir's India*, pp. 47–8. For an account of the climate and rainfall see vol. I, chap. I of this History.

climate and inequalities of rainfall. The populations have accustomed themselves to this circumstance both in their density and in their selection of crops. There are wet provinces and dry provinces, wet areas and dry areas, sometimes within the same district; there are wet crops and dry crops. If communications are adequate there are flourishing tracts to come to the rescue of those less favoured. Rain never fails throughout the whole country, even though the monsoon sometimes disappoints not only regions inured to some degree of drought but those which are usually blessed with abundant rainfall.

When the south-west monsoon is over the young winter crops, and in parts the later rice, need artificial irrigation; and if the rainfall has been deficient, the irrigation must be strenuous and constant. Rivers, wells, "tanks" (artificial ponds) are all requisitioned. But in a dry year, the supply from these sources shrinks, and canals, where they exist, are the greatest stand-by of all. Large-scale systems of canals, drawing supplies from rivers or artificial reservoirs, began with the consolidation of British rule; but the West Jumna Canal, in a dilapidated condition, was inherited from Moghul times; and the Kaveri delta canal system in Madras comes down from remote antiquity.[1] In the year 1919–20 the total area irrigated by canals in British India exceeded 27,000,000 acres. The total length of canals and distributaries was 66,754 miles. The estimated value of the crops watered by government irrigation works amounted to £156,000,000, double the capital expenditure which these works had entailed.

The storage of water and the regulation of its outflow are matters of supreme importance to Indian agriculture. Wells, tanks and canals play their part. But the wide extension of irrigation which marked the years 1858–1918 could not have been achieved without the skilled and devoted co-operation of the Indian forest service. To quote the words of one of its most distinguished members:

> It is by the agency of the forests that the surface-flow from the hills is restrained after heavy rain; that the water level is maintained at such a height that it can be reached by the primitive methods of the East; that the springs are kept supplied; and that perennial springs may be made to flow in the place of those water-courses trickling through dreary beds of sand, that would hardly be suspected of becoming later on in the summer turbulent and muddy torrents, often carrying devastation instead of blessing.[2]

We need only summarise the history of famines before 1858. In ancient times scarcity owing to floods or drought was not infrequent and sometimes extended to a whole kingdom.[3] But scarcities caused by floods have always affected comparatively small areas, and inundations have left a fertilising silt. The great famines have been caused by drought. In his elaborate studies of economic life under the

[1] Moreland, *India at the Death of Akbar*, p. 108; Knowles, *Economic Development of the Overseas Empire*, pp. 366–82; Moreland, *From Akbar to Aurangzeb*, pp. 195–6.

[2] Eardley-Wilmot, *Forest Life and Sport in India*, p. 5.

[3] Cf. vol. I, chap. viii, *supra*.

Moghul emperors Mr Moreland has shown us that the famines then were marked, not only by widespread mortality and desolation, but by suicide, voluntary enslavement and cannibalism.[1] Before the "pax Britannica" was definitely established the miseries of such times were often aggravated by the ravages of armies. In 1802 the army of the Maratha chief, Jasvant Rao Holkar, marching to Poona from the north, laid waste the countryside. The Pindaris followed in its wake and reduced the Deccan to such depths of misery and want that human beings are said to have been devoured by the peasants. Emigrants passed into the Konkan leaving a trail of dead and dying behind them. The late rains failed; the river at Poona was black with putrescent corpses; and "hunger, hand in hand with cholera, left many villages permanently desolate".[2] But, in any case, as long as districts were land-locked and populations were isolated, famine relief was largely regarded as hopeless. Almsgiving, storage of food grains in central towns, remissions of revenue, digging of wells, were palliatives occasionally resorted to. But no attempt was made to stem the full tide of starvation and ruin. Even when the government of the East India Company, recently established at Calcutta, was in 1769–70 first brought face to face with responsibility for some measure of relief, its dispatches,

> while breathing a tone of sincere compassion for the sufferings of the people, were busied rather with the fiscal results as affecting the responsibility of the Company towards its shareholders, than with schemes which would have seemed wholly visionary for counteracting the inevitable loss of life.[3]

There is no reason to dispute the finding of the 1880 Famine Commission that up to the end of the eighteenth century "the position of the British in India was not such as either to create any sense of general obligation to give relief, or to supply sufficient means of affording it". While the administration was endeavouring to find its feet, while wars frequently carried devastation into large tracts of country, while the effects of climatic disturbances on food crops were largely a matter of conjecture, while agricultural, economic and vital statistics were unknown, while it was difficult to transmit information speedily, while the absence of communications rendered the timely transmission of grain for long distances or in large quantities a very arduous or an impossible undertaking, while half-starved bullocks or heavy barges were the sole means of transport, famine was regarded as a calamity wholly transcending the powers of man to counteract or even materially to mitigate.[4] The years 1765–1858 were marked by famines or scarcities in various parts of the country which were dealt with by such measures as seemed best to the local governments

[1] Moreland, *India at the Death of Akbar*, chap. vii; *From Akbar to Aurangzeb*, chap. vii.
[2] Grant Duff, *History of the Marathas* (ed. Edwardes), II, 368.
[3] Report of the Famine Commission, 1880; cf. Hickey, *Memoirs*, III, 343–4.
[4] Cf. Kaye, *British India*, pp. 275–6, and Maconochie, *Life in Indian Civil Service*, pp. 9–10.

or district officers concerned. No attempt was made to formulate any general system of famine relief or prevention, although such experiments as storage of grain by the government, penalties on hoarding, bounties on import, poorhouses, advances of money to encourage the sinking of wells, and relief works to afford employment, were undertaken at one time or another. The only business which can afford employment to Indian cultivators when tillage fails is earth-work, the excavation of reservoirs, the construction of irrigation embankments and the making of roads. But earth-works were never opened on an adequate scale. When in 1837 famine visited the upper reaches of the Ganges and the Jumna, the local government laid down the principle that while the state found work for the able-bodied, the whole community must, as in ordinary times, look after the helpless and infirm. The measures adopted were quite insufficient. Heavy mortality resulted; and violent riots broke out. Twenty years later came the Mutiny, which was followed by the complete transfer of government to the crown.

The period with which we are now concerned was marked by a wide extension of railways[1] and other communications, by a rapid growth of trade and overseas commerce, by a great expansion of means of irrigation, by the development of an elaborate system of public instruction, by agrarian legislation mainly in the interest of the cultivators, by a gradual change in economic factors which, in spite of a great increase of population, very gradually modified the character of famines.

The seasons of 1858–9 were irregular; and in 1860 the monsoon practically failed over 48,000 square miles of the North-West Provinces around Agra. Alwar and other Indian states were affected; and about half a million persons deserted the distressed tracts. The provinces were still suffering from the effects of the Mutiny; but their south-east districts and neighbour provinces had received plenty of rain and were able to supply abundance of food grains. Within the distressed area canals protected about 900,000 more acres than they had protected in 1837; around it communications had improved, and the East Indian Railway had progressed far enough to render useful service. Free-trade principles were followed; and, as in 1837, it was declared that the state would provide employment for the able-bodied while voluntary agency should give charitable relief to the helpless and infirm. In fact, however, voluntary agency did very little; and the government found it necessary to undertake almost the whole burden of relief. Able-bodied persons were organised in gangs, housed in temporary sheds and employed upon earth-works for roads or canals. Some helpless persons were relieved in their homes and others in poorhouses where light tasks were imposed upon the more capable inmates. The famine was on a small scale, but is

[1] For the early history of railways in India see *Quarterly Review*, 1868, cxxv, 48–78.

remarkable for the fact that then for the first time a special enquiry was held into the causes, area and intensity of such a calamity. While it was proceeding Colonel Baird Smith was deputed to examine these matters; but his report did not lead to any formulation of general principles of relief.

We come now to the famine of 1866–7, which is known as the Orissa famine because in Orissa it assumed its most terrible form; but it extended along the whole east coast from Calcutta to Madras and penetrated inland. This calamity proved a turning point in the history of Indian famines for it was followed by the investigations and report of a committee (presided over by Sir George Campbell[1]) which laid the foundations of a definite policy.

The causes of the famine were the failure of the autumn rains, and consequently of the rice crops, of 1865, together with the almost complete absence of importation into Orissa of food from outside. The main stress of privation fell on the three British districts which form a comparatively narrow strip between the uplands and the sea and are intersected by rivers which swell enormously in the rainy season. There is a large pilgrim traffic by land to Jagannath in the dry season; but commercial communications were then principally by sea from several small ports open the greater part of the year but inaccessible from the heavy surf and the prevalent winds after the breaking of the south-west monsoon. The country is almost entirely a rice or water country; but the supply of rain is generally ample, and there had been no previous famines since Orissa became British territory. In 1865, however, the monsoon ceased prematurely along the east coast, and two-thirds of the rice crop were lost. Food stocks were low, as export had been brisk of late years, but prices remained moderate for some time. The warnings of certain local officers were disregarded, and famine arrived like a thief in the night.

> "In April 1866", says Campbell, "the magistrate of Cuttack still reported that there was no ground for serious apprehension. A few days later in May, he and his followers were almost starved. We compared it to the case of a ship where the stores are suddenly found to have run out."

A panic had set in and stores were withheld from the market. Every Indian cultivator aims at growing and keeping his own food supply. The market supply is what he sells to pay his rent and meet his cash needs, but in times of scarcity even grain which can be spared is held up. Dealers also incline to wait for higher prices. If, however, importation from other districts is easily practicable, even a great failure of crops will not lead to a widespread hold-up of stocks.

In Orissa panic arose suddenly. Importation was rapidly becoming impracticable; and the local government had been slow to appreciate the situation. Before anything effective could be done the monsoon

[1] Cf. his *Memoirs of my Indian Career*, II, 149–55.

broke and Orissa was sealed up for several months. There was terrible suffering before adequate supplies could be obtained, although the cultivators procured or had saved sufficient to sow their autumn crops. In October the government poured in large supplies of grain, and some local hoards were brought out by the dealers. A good new crop was then being reaped, and the famine ended almost as suddenly as it had begun, except in certain tracts, where excessive floods wrought havoc. The Bengal government had provided such relief as it could at a cost of about one and a half millions sterling. But the commissioner of the division estimated that one-fourth of the population had died. Campbell's committee did not think this estimate excessive; but in the entire absence of statistics and of effective machinery for ascertaining the facts was unable to form an accurate judgment. The census of 1871 showed an unexpectedly large population; and Campbell afterwards doubted whether the famine mortality had not been exaggerated. The grain which poured in when the mischief was done was largely wasted and lay unused till it rotted. In Ganjam, a neighbouring district of the Madras Presidency, the situation had been easier, but a prolonged duration of high prices pressed hardly on the people and called for relief measures. The drought of 1865 extended in some degree to Bihar and Bengal where relief was inadequate and badly organised.

Campbell's committee reported that timely measures had not been taken to meet the terrible emergency which arose in May, 1866. The Bengal government had completely failed to forecast developments and had misled the central government. Blindly relying on the law of demand and supply, they had not considered the isolation of Orissa in the rainy season, and its customary dependence on its own food supply. It was essential to improve communications considerably and to initiate in Bengal the maintenance of land records and agricultural statistics which was carried out in other provinces by a subordinate revenue staff. The committee made recommendations which in some measure anticipated those of the royal commission of 1880. Their report produced a change of outlook; but Campbell tells us that "the idea rather prevailed that the Orissa failure was a personal failure which need not occur again". John Lawrence, however, who was then governor-general, blamed himself bitterly for having accepted the facile assurances of the Bengal government, and, when famine again appeared elsewhere in 1868, declared in council that his object was "to save every life", and that district officers would be held responsible that no preventible deaths occurred. The old doctrine that the public would be responsible for the relief of the helpless and infirm was entirely abandoned. Money was borrowed in order to finance additional railways and canals.

Drought and famine in 1868–9 affected parts of the North-Western Provinces and Panjab, but were more intense in wide stretches of

Rajputana, and produced a great influx of emigrants into British territory, severely straining public charity and tending to swamp relief arrangements. The able-bodied were employed on large and small works. Extra mortality was estimated at 1,200,000 and ascribed mainly to cholera, smallpox and fever.

In 1873 the monsoon ceased prematurely in Northern Bihar, causing a loss of much of the winter rice crop. Relief measures were planned on a scale unknown before. Sir George Campbell, then lieutenant-governor, wished to prohibit export of rice and other cereals from Bengal overseas, the failure of these crops being largely confined to the north-western districts of his charge. His idea was to save all that was available in the south-east, to dam it up and drive it northward. But the proposal did not commend itself to Lord Northbrook who was then viceroy, and the central government arranged to import 480,000 tons of rice mostly from Burma to the distressed area. Even so up to April, 1874, the imports of rice barely equalled the exports; and during the whole famine year the exports of food from Calcutta were about two-thirds of the imports. Tasks were not strictly enforced on the relief works started in the distressed area, which consisted of 40,000 square miles with a population of 17,000,000. Gratuitous relief was given in villages on a very liberal scale. The whole cost was six and a half millions, although famine had been acute in two districts only: 800,000 tons of surplus grain remained on the hands of the government and were sold at a heavy loss. Relief was undoubtedly extravagant; but, for the first time in Indian history, a serious failure of crops had not produced heavy mortality.

The next drought soon arrived. It produced a famine of great magnitude and eventuated in an enquiry on a large scale which inaugurated a new era.

The famine of 1876–8 resulted from two deficient monsoons and affected not merely rice areas but also tracts which were largely covered by dry crops. It lasted long, covering much Madras territory, part of the Indian states of Mysore and Hyderabad, and the Bombay Deccan, affecting also the North-Western Provinces and Oudh. The policy of the central government was to spare no efforts to save the population of the distressed districts, but not to attempt the task of giving general relief to all the poorer classes of the community. Agreed principles and methods of relief had not yet been formulated; operations were not conducted on any uniform plan; and in many tracts private trade was seriously hampered by imperfect communications, for none of the areas most affected was then traversed by more than one railway line, while various districts were dependent for food on cattle transport from certain depôts served by the railways. In Bombay deaths during 1877–8 were 800,000 in excess of the normal figure, although large relief works had been promptly opened for the able-bodied, and gratuitous relief was well organised. In Madras the

government commenced by importing grain with the object of keeping down prices, but were checked by the central government on the ground that trade should not be interfered with. A few large works were opened; but the majority of the able-bodied were relieved by smaller works on which wages were much too high. Gratuitous relief was extravagant, and the viceroy, visiting the presidency in September, observed that the relief camps were "like picnics". "The people on them, who do no work of any kind, are bursting with fat and naturally enjoy themselves thoroughly."[1] Lord Lytton saw that gratuitous relief urgently required efficient administration, and drafted in extra British civil and military officers from Upper India. Rain came later on in the autumn and relieved the situation; but a number of debilitated persons remained on the hands of the Madras government another year, until the autumn crops of 1878 were ripe. On 11 October, 1877, the viceroy wrote to Queen Victoria:

> Whilst the Madras famine has cost the Government of India over 10 millions, the Bombay famine, under General Kennedy's management, has cost only four millions, although a much larger saving of human life has been effected in Bombay than in Madras.[2]

The Madras famine was otherwise remarkable for the fact that charitable contributions amounting to £78,000 flowed in from Great Britain and the colonies.

Lytton's government decided that famine relief called for clear thinking, and appointed a strong commission under General Sir Richard Strachey, which reported in 1880, formulating general principles and suggesting particular measures of a preventive or protective character. It recognised to the full the duty of the state to offer relief to the necessitous in times of famine, but held that this relief should be so administered

> as not to check the growth of thrift and self-reliance among the people, or to impair the structure of society, which, resting as it does in India upon the moral obligation of mutual assistance,[3] is admirably adapted for common effort against a common misfortune.

The great object of saving life would be far better secured if proper care were taken to prevent the abuse and demoralisation which, all experience showed, resulted from ill-directed and excessive distribution of charitable relief. In this spirit a provisional famine code must be framed which the local governments would adapt to the circumstances of their provinces and would in future administer subject to financial control from the central government.

Starting with these premises, the commission insisted on the urgent need of proper statistical collection of facts relating to the condition of the agricultural community. The opportunities for such collection

[1] *Letters of the Earl of Lytton*, II, 79. [2] *Idem*, p. 82.
[3] Cf. Fuller, *Indian Life and Sentiment*, p. 202.

offered by the revenue system in all provinces except parts of Bengal and Sind had been imperfectly utilised. Relief, too, should everywhere be administered on certain basic principles.

(*a*) Employment on works must be offered before the physical efficiency of applicants had been impaired by privation. All applicants must be received, but self-acting tests of wages and labour must be enforced in order to prevent the earth-works from attracting labourers who were not really in want, but out of work merely because at a particular season there was little to do in the fields. The works should be of permanent utility and capable of employing a considerable number of persons for a considerable period. Wages should be adjusted from time to time so as to provide sufficient food for a labourer's support, allowing him a day's rest in the week. Separate rates should be prescribed for different ages, sexes and classes; and allowances must be made for dependent children of labourers. A margin should be left to prevent accidental error on the side of deficiency. Over the larger works which would be directed by engineers of the public works department, district officers should exercise general supervision, deciding questions relating to tasks and wages, opening or closing of works, and all arrangements except those of a technical nature. Such works as excavation of ponds in villages and raising embankments for water storage might be carried out under the management of the ordinary district staff for the purpose of employing persons unfit to be dispatched to the larger works. Arrangements must be made for providing the latter with huts, temporary markets and hospitals. Great care must be exercised to avoid throwing work-people out of ordinary employ; and if drought merely produced severe scarcity, it would probably be sufficient to enlarge ordinary public works in such a manner as to afford additional employment.

(*b*) Only of late years had the government recognised that gratuitous relief was the duty not of the general public but of the state. Two systems prevailed; raw grain or money might be distributed in villages, and cooked food might be given at centres subject frequently to the condition of residence in a poorhouse or temporary camp. The latter form of relief was very unpopular. In the North-Western Provinces and Oudh many had died rather than accept it. It could only be a reserve line of defence. Gratuitous relief in villages, however, required very careful organisation and control. For this purpose distressed tracts must be divided into circles, and each circle must be placed under a competent officer who would be drawn from the district staff. Non-officials might be asked to volunteer assistance. Committees of Indian gentlemen would gladly assist in distributing relief to *purdah-nishin* ladies.

(*c*) Government should, as a general rule, trust private trade to supply and distribute food, giving it every possible facility. It should prohibit export of grain only if reasonably certain that such action

was necessary to conserve the resources of India as a whole (as was done in 1918). As railways multiplied, the country was becoming better and better able to feed itself. There were strong objections to storage of grain by the government, and there was abundant private storage. It was, however, important that supplies of food in distressed areas should be carefully watched.

(*d*) The commission made suggestions in regard to suspensions and remissions of land-revenue and rents. In times of famine landlords should be encouraged and assisted by loans on easy terms to open works on their estates which would offer employment to labourers and poorer tenants. Loans should also be given for purchases of seed grain and bullocks.

(*e*) The cost of relief must be so localised as to bring home to its administrators a sense of personal responsibility for expenditure. The sense of responsibility would be most effectually quickened by throwing the burden of famine expenditure on to local taxation, and administering relief through representative members of the tax-paying body, themselves responsible for providing all needful funds, but this system would involve the assumption that the various provinces were, on the whole, equally well qualified to bear their own burdens, an assumption contrary to fact. There was always a limit beyond which provincial revenues could not supply famine relief and must be assisted from imperial funds. In ordinary times, too, the central government should assist local governments to undertake water-storage and other protective works, even if such enterprises seemed unlikely to yield immediate profit.

(*f*) In times of excessive drought facilities should be afforded for the migration of cattle to grassy forest areas where abundant pasturage was procurable.

The commission estimated that the largest population likely to be affected by famine at one time was thirty millions. They held that great uncertainties surrounded all estimates of degrees of failure of crops and that in forecasting consequences attention must be paid to the antecedent and existing circumstances of the areas affected. The classes which suffered most from famine were the cultivators and labourers who were thrown out of employment, the artisans and petty traders deprived of profits mainly derived from dealing with the poorer classes, aged or weakly dependents, and public beggars who found the springs of charity drying up.

The commission's proposals were generally accepted, and steps were taken to create new resources by which in normal times a surplus of revenue could be secured to meet the extraordinary charges thrown on the state by famine. Experience provided a basis of calculation, and, after correspondence with the secretary of state in council, it was eventually decided that 15,000,000 rupees would always be entered in the budget under the head "Famine relief and Insurance", with

sub-heads for relief, protective works and reduction of debt, or prevention of debt which would otherwise be incurred for the construction of railways and canals. When Lord Curzon's second budget was framed arrangements were made to charge against this insurance fund only works designed and executed exclusively as protection against famine.

In 1883 the provisional Famine Code was promulgated. It formed a guide and a basis for the various provincial famine codes which were subsequently prepared, approved by the central government, and revised again and again as experience widened. The first chapter of these codes prescribed precautions to be taken in ordinary times. The second gave instructions to be followed when a relief campaign seemed imminent. The remaining chapters described the duties of all concerned when it had actually begun. Districts might be declared by local governments either "scarcity" or "famine". "Scarcity districts" would be those less acutely distressed and would require less general relief. They might or might not develop into "famine districts". In any case they would be divided into relief circles organised in the manner suggested by the 1880 commission. The codes enjoined the immediate preparation and careful maintenance of district programmes of relief works. Projects for the larger works, which would be the backbone of relief, would be prepared in detail by the public works department. The codes dealt thoroughly with other matters which had been the subjects of the commission's recommendations.

The district is and must always be the unit of famine relief; and it is worth while to sketch briefly the preliminaries and development of relief measures in a stricken district.

We will say that in a certain September the district officer (the writer has served through two famines, once as district officer and again as commissioner) recognises that the monsoon has failed to a disastrous degree, that the autumn crops have largely perished, and that the sowing of the winter crops on the hard dry ground will be largely impossible. He consults his copy of the provincial famine code and examines the programmes of relief works which, in obedience to its provisions, have been prepared and revised by his predecessors. He looks up the records of any previous famine which may have visited his district, calls for reports from subdivisional officers or *tahsildars*, and journeys to the tracts which cause most anxiety, informing his commissioner of his plans and views. That officer communicates with the local government and will take an early opportunity of inspecting the precarious region himself, but may have other threatened districts to visit. As the shadows lengthen, the district officer will have to revise his programme of relief works, for his charge may measure 3000 or 4000 square miles, and will contain wet and dry areas; the rainfall has been uneven; the subdivisions are affected in varying degrees. All the requirements of particular localities cannot

have been foreseen, and the district engineer must be carefully consulted. Some new projects for roads and water-storage works must be considered and prepared. Estimates too must be dispatched to the commissioner forecasting the degree of crop failure, the consequent suspension of land-revenue, the amount of advances (*takavi*) required for assistance to occupiers of land, who are anxious, wherever practicable, to sow and irrigate the winter crops, and the sums required for relief of all kinds. A rise in crimes against property will be engaging the attention of the superintendent of police, and outbreaks of epidemic disease will demand special efforts on the part of the civil surgeon. These officers will be touring from time to time and keeping in touch with their subordinates in rural areas. Letters to the district officer are arriving from the commissioner, frequently enclosing orders from the local government who will allot funds and sanction necessary expenditure.

In most provinces the district officer will find his relief circles ready made. His *tahsils* or subdivisions are already split up into circles presided over by inspectors of village records (kanungos) who move constantly about and look after the work of the patwaris (village accountants). The village headmen, assisted by the latter, prepare lists of infirm and needy persons likely to require gratuitous relief which are checked by the kanungos. The totals are collected, scrutinised by *tahsildars* and subdivisional officers, and laid before the head of the district. That officer will call a public meeting for appeal to the charitable and will make arrangements for the immediate distribution of *takavi* advances.

"Scarcity" is declared in our district. Test works are opened which attract increasing numbers, although by far the great majority of the cultivators are sticking persistently to their fields, ploughing, sowing, watering, sinking temporary wells wherever practicable, with a courage and perseverance beyond all praise. Perhaps some fall of early winter rain relieves the whole situation and postpones or mitigates calamity. But this cannot be relied on; and if it does not come, signs of distress speedily increase and "famine" is declared. Then the whole machinery contemplated by the code comes into operation, and everything depends upon efficiency of organisation and supervision. One problem succeeds another rapidly for thousands come on to the relief works, many with babies and children; and it is almost impossible to discriminate between genuine dependents of workers and others. In the 1908 famine the government of the United Provinces decided to discontinue relief of dependents on works, as far as possible, for this reason, preferring to transfer them to their homes. But this cannot always be arranged, and in any case the timely relief of thousands in their homes by doles is most difficult to arrange and control. Cholera too may at any time visit one of the large works, when, unless careful arrangements are speedily made, a panic-

stricken crowd will disperse in all directions, some bearing with them deadly contagion. At all times the condition of the children calls for particular attention. Care must also be taken, as far as possible, to save the cattle; or else even when rain comes, ploughing will be extremely restricted. These are only some of the problems which assail the over-burdened district staff. Extra assistants are drafted in; but the local government may be struggling with the needs of twenty districts or more, and the central government may be perplexed by the conflicting claims of three or four provinces. The commander-in-chief is appealed to and assists with the invaluable loan of some junior military officers. Months of trial and anxiety pass by. If the district adjoins an Indian state, crowds of immigrants may pour in. The commissioner, moving about in his division, acts as adviser, friend and referee. The head of the local government comes to see for himself how things are going. At last the hot weather comes to an end; the rains burst; the labourers on the relief works disperse with valedictory doles; agricultural operations are resumed, and soon relief is no longer required.

But in the meantime privation and disease have taken their toll; the provincial finances have been badly strained; and despite an elaborate system of accounts, the immense opportunities of peculation, which large expenditure on famine relief offers to numbers of subordinates, have not been entirely lost. In fighting famine vigorous, effective, unceasing supervision by officers of the superior services is, from every point of view, absolutely essential. The difficulty of securing this can be appreciated by remembering that sometimes twenty districts or more, and many millions of people are affected. In the great famine of 1899–1900 Lord Curzon regretted that more superior and subordinate officers had not been available and remarked that the provinces not afflicted had been "literally scoured for the loan of men". The Indian states had "escaped a disastrous breakdown only through the administrative knowledge, unflagging energy and devotion of British officers lent to them".[1]

Between 1880 and 1896 minor droughts in different provinces afforded opportunities of testing and revising the provincial codes. In 1896–7 came a grave failure of the rains affecting 225,000 square miles in British India and a population of sixty-two millions. The tracts severely distressed measured 125,000 square miles with a population of thirty-four millions. The North-Western Provinces and Oudh, Bihar, the Central Provinces, Madras, Bombay, the Panjab, Berar, suffered in varying degrees. In the North-Western and Central Provinces extensive relief operations were undertaken. The famine was followed by searching enquiries from a commission presided over by Sir James Lyall, ex-lieutenant-governor of the Panjab, who found it most difficult to compare degrees of distress with those observed

[1] Raleigh, *Lord Curzon in India*, p. 386.

in previous famines as conditions had largely altered with expansion of railways. But improved supervision and organisation had certainly reduced the cost of relief to a figure below that which might have been anticipated. The commission adhered largely to the views expressed by their predecessors in 1880, suggesting alterations which were designed to impart greater flexibility to the maxims then adopted. They observed:

> It may be said of India as a whole that of late years, owing to high prices, there has been a considerable increase in the incomes of the landholding and cultivating classes, and their standard of comfort and expenditure has also risen. With the rise in transfer-value of their holdings, their credit also has expanded. During recent famines they have shown greater powers of resistance. The poorer professional classes suffer severely from rise of prices but do not come on relief. The wages of day labourers and skilled artisans have not risen. The rise in prices of food has not been accompanied by a rise in the wages of labour. On the contrary, as competition falls off, the rate of wages offered falls frequently below the customary rate.[1]

Before the proposals of the 1898 commission had been fully considered by the government, India was visited by a drought the greatest in extent and intensity which she had experienced for 200 years. The area affected amounted to over 400,000 square miles with a population of about sixty millions, of whom twenty-five millions belonged to British India and the remainder to Indian states. It embraced the greater part of the Bombay Presidency, the Central Provinces, Berar and much of the Panjab, the states of Kathiawar and Rajputana, the Nizam's dominions, Baroda and the Central Indian principalities. The loss in crops alone amounted to £50,000,000 in British India and £30,000,000 in the Indian states. Water supplies shrank considerably; and a fodder famine on an enormous scale was followed by a positive devastation of all kinds of cattle. Some of the tracts which had suffered in 1896–7 suffered even more now. Speaking to his legislative council on 19 October, 1900, the viceroy estimated that one-fourth of the entire population of India had come to a greater or less degree within the radius of relief operations. Lord Curzon had followed relief measures with devoted attention, touring in the worst districts of Gujarat, one of the areas most afflicted, in the fierce heat of July, 1900. By that time, as he said, famine had brought "its familiar attendant Furies in its train, and cholera, dysentery and fever had fallen upon an already exhausted and enfeebled population".[2]

The relief campaign was conducted on a very liberal scale. The ratio of relief in June and July, 1900, was 18 per cent. in the famine-stricken area of British India as compared with 10 per cent. in 1897; 637 public officials were specially deputed to famine duty from civil and military employ; provinces not affected were scoured for the loan of men. Revenue was freely suspended and remitted. Large loans

[1] *Famine Commission's Report*, p. 363.
[2] Raleigh, *op. cit.* pp. 375, 404. Cf. Ronaldshay, *Life of Curzon*, vol. II, chap. v.

were made to the Indian states as well as to land-holders and cultivators in British territory. Following the advice of the 1898 commission, the government adapted its relief system more dexterously to varying circumstances. In British India there was an excess mortality of 750,000 persons, 230,000 of whom at least died of cholera and smallpox. Fever also claimed its victims. All the figures included immigrants from Indian states where, in spite of many bright examples of benevolence and humanity, the standard of relief generally was lower than that in British territory; 140 lakhs of rupees (nearly £1,000,000 sterling) were contributed for charitable relief, of which 88½ lakhs came from the United Kingdom. In 1896–7 the United Kingdom had given 123 out of 137 lakhs. Australia, the Straits Settlement, Ceylon and Hongkong, the United States of America, Berlin, had also subscribed. From the 137 lakhs distributed by the Central Relief Committee 111 went to purchasing cattle, seed and subsistence for peasants in British territory who were not reached by the government loans. Fifty lakhs were given for similar purposes to the Indian states. In 1900 the rains were satisfactory; prospects rapidly mended; revenue was remitted on a liberal scale; another commission was appointed to investigate particular questions in the light of recent experiences. A famine, Lord Curzon said, was a natural visitation in its origin, but should be a very business-like proceeding when once it had started. More should be done by way of precaution. District programmes of relief could be prepared with greater method and should not be considered complete until every possible scheme of irrigation or water-storage had been examined. So terrible an incident as this famine was "an abiding landmark in the history of the Indian people", and imposed very heavy responsibility upon the government.

The commission then appointed met under the presidency of Sir Anthony (afterwards Lord) MacDonnell, who had steered the United Provinces with distinguished success through the recent famine. Their report published in 1901 clearly summarised accepted principles of relief, suggesting variations. They emphasised the benefits of a policy of "moral strategy", early ascertainment and publication of suspensions of revenue and rents, early distribution of advances for purchase of seed and cattle and the sinking of temporary wells. They advocated the appointment of a famine commissioner in a province where relief operations promised to be extensive. They recommended stricter regulation of famine relief in certain respects, efforts to enlist non-official assistance on a larger scale, and preference in particular circumstances of village works to the large public works which had hitherto been the backbone of relief schemes. These suggestions commended themselves to the central government and bore fruit in the provincial famine codes. The commission also advised a considerable increase in rolling stock at the cost if necessary of the famine insurance

grant. The railways, they said, had been unable to carry much of the food and fodder offered to them during the famine. The central government, however, held that possibly the unavoidable limitations in the carrying capacity of the lines was the main cause of blocks in traffic.

The commission dealt fully with allegations that the land-revenue demand was excessive and gave reasons for holding it to be very low in comparison with the share of the produce to which the government was traditionally entitled.[1] But they considered that as the savings of good years were often rapidly spent, more indulgence in collection should be shown in bad years. Agricultural banks should be established; irrigation works should be pushed on; water-storage must be more sedulously encouraged; measures should be taken to foster improved methods of agriculture.

The development of village credit associations and the practicability of a wide extension of irrigation had already been engaging the government's attention. No time was lost in considering and acting on the other recommendations of the commission. Before Lord Curzon left India he had done more to prevent and combat famine, than any two of his predecessors or successors.

The last considerable famine of our period visited the United Provinces in 1907–8 and disclosed some changes in economic conditions. In consequence of a failure of the south-west monsoon of 1907, which averaged only one-third to one-quarter of the normal fall and came as a climax to more than one bad or indifferent season, the loss of autumn food grains was estimated as approximating in value to £4,000,000. Industrial staples suffered even more. The actual failure of the autumn harvest was greater than and that of the spring harvest was as great as the losses in 1896–7. The range of prices was higher. The situation was not relieved, as in 1896, by an unusually early fall of winter rain. Yet on 25 January, 1908, the lieutenant-governor, Sir John Hewett, was able to describe the situation in the following terms:

> Why if the provinces have suffered so much as this, do we not see the outward signs that are associated with famine? Why are we not brought into contact with people in a state of emaciation? Why do we not see bodies of persons in search of work? Why do the crime statistics of the province not show a serious rise? Why again if the calamity of to-day is so like that of eleven years ago, do we find such a change in the statistics of famine relief? Let us compare the figures for the two periods. By this time in 1897 there were 16 districts in which famine relief was in full swing while 24 were under observation and test; there were 480,000 persons actually on relief works, 43,000 on test-works, 123,000 being relieved as dependents of workers, 98,000 in receipt of gratuitous relief in their houses and 51,000 in poor-houses; in all some 796,000 persons were relieved. At the present time there are 311,000 persons receiving different forms of relief. There are only 13 districts that have been declared famine districts, and the workers on relief works number 152,000. We have 11 districts in which test-works are opened, but these are

[1] Cf. resolution by the governor-general in council, 16 January, 1902, published in the *Gazette of India*, 18 January, 1902.

attracting only about 5000 persons. We have 29,000 dependents of workers being relieved on works. On the other hand we have 26 districts as compared with 34 in 1897, in which gratuitous relief is being given to persons at their homes and the number in receipt of such relief in their homes is actually larger than it was in 1897.

The character of relief has undergone a considerable change....The causes of this change of policy must be sought for in the changed circumstances of the present time.

The changed circumstances were mainly these: not only had railway mileage in the provinces increased 35 per cent. within eleven years; not only had canal irrigation expanded to an equally marked extent, but an established era of higher prices had brought a considerable rise in wages. Employment too had increased. Government expenditure on all forms of public works had been very large; and the industrial and building operations of the general public had greatly extended. The labouring classes had become far less dependent on agriculture than they had been in the past. Emigration had very greatly increased, both overseas to British colonies and inland to mills and factories in Calcutta and other commercial centres. Increasing amounts of money had been received through postal orders from abroad for payment to residents of certain eastern districts now famine-stricken. In some districts the value of the postal orders received from abroad exceeded the total land-revenue demand. Labour was yearly becoming dearer and the cultivating classes were better off. But the high prices of food grains, while benefiting agriculturists, were pressing heavily upon dwellers in towns with fixed incomes. And so it was that while the calamity of 1907–8 was far less a labourer's famine than had been anticipated, gratuitous relief was distributed widely in circumstances not contemplated by the MacDonnell commission who had allowed for it only in tracts where relief works had been started.

As soon as the failure of the monsoon became apparent, the local government had adopted whole-heartedly the policy of moral strategy recommended by the MacDonnell commission. The late Sir John Campbell was appointed famine commissioner. Prompt assistance was given by extremely liberal money advances for the preparation, sowing and irrigation of the winter crops, and by the announcement of large remissions and suspensions of the autumn instalments of land-revenue. All these measures gave heart to the people, mitigated restriction of credit, provided occupation in the villages at remunerative rates of wages and prevented a rise in crime. The winter rains arrived late; and there was a much greater and more continuous demand for labour for irrigating the young winter crops than there had been in 1896–7, a circumstance which contributed to keep down the numbers on relief works. When the latter were opened, village works managed either by district officers or by landlords, assisted by partly repayable grants, took, as far as possible, the place of large relief works under the management of the engineers of the public

works department. When the hot weather of 1908 began every effort was made to continue these arrangements in order to avoid the crowding and risks of epidemic disease which large works involve and to bring relief as near to the homes of the cultivators as possible. The total number of persons on relief of all kinds on 14 March, 1908, at the commencement of the spring harvest was 1,411,576 of whom 1,040,476 were on works, 369,344 were receiving gratuitous assistance and 1756 were weavers who from the nature of their occupation needed special kind of help. After the spring harvest the numbers on relief considerably declined. The monsoon of 1908 broke early and soon enabled operations to be closed. The provincial death-rate from September, 1907, to July, 1908, was 36·47 against a normal figure of 32·59. The principal causes of death were fever, cholera, and small-pox. The total cost of famine relief was £2,135,000. The local government was congratulated by the central government on "the foresight displayed at each stage, on the promptitude and efficiency of action taken, and on the success which attended it".

The next period of stress began ten years later, when India had reached the beginning of the fifth year of the great war. From 1913 she had been favoured by good monsoons; but in 1917 the shortage of shipping and the shrinkage of rolling stock owing to military demands, had produced some disastrous results. The cultivators could not market their grain satisfactorily and had to pay dearly for imported commodities such as spices, oilcloth, kerosine and salt. In large towns foodstuffs and indeed all commodities became much dearer. The position of the labouring classes deteriorated although wages had risen. Early in 1918 came the German offensive in the West, the raising of a large additional body of Indian troops, and a great effort to meet the increased demand for army supplies and munitions of war. Foodstuffs were purchased by the government on a large scale; and before long the rise of prices was intensified by the weakness of the south-west monsoon all over the sub-continent. Prolonged breaks damaged the crops, and the rainfall was 19 per cent. below the average. An extremely severe, widespread and deadly epidemic of influenza added to general distress. From the beginning of the war the government had been compelled to interfere with the normal course of trade for the purpose of satisfying the needs of India, the Empire and the Allies, of controlling dealings with neutral countries and of prohibiting traffic with enemy countries.[1] Early in November, 1918, the Armistice enabled them to apply to the relief of distress in India machinery contrived for the purchase and shipment of rice from Burma. Through the Home Government they arranged for purchases of wheat from Australia to tide over the interval which must elapse before the spring crops of 1919 came into the market; and they prohibited export of food grains from India

[1] See *Moral and Material Progress Report*, 1917–18, p. 91.

except in very small quantities and for exceptionally strong reasons. All these measures, combined with the fact that for ten years the monsoons had been generally kind, carried the country through a critical time. Relief measures were taken under the Famine Codes but never at any time did the number of relieved exceed 600,000. Distress ended with the abundant rains of 1919. The author of *India in 1920* observes that the manner in which the crisis was surmounted showed increased powers of resistance among the masses, although the high range of prices must have caused much silent suffering. Experiences since 1919 point to the conclusion[1] that agricultural labour is in a stronger and more independent position than it was at the beginning of this century; but the high prices of modern times have hit the middle or professional classes hard. "With their small fixed incomes, their large families and their increasing expenditure, they have of late years passed through a very disadvantageous epoch",[2] a circumstance which has stimulated political unrest.

Our tale is told. Twenty-four years ago Lord Curzon said to his legislative council:[3]

> We may compete and struggle with Nature, we may prepare for her worst assaults, and we may reduce her violence when delivered. Some day perhaps when our railway system has overspread the entire Indian continent, when water storage and irrigation are even further developed, when we have raised the general level of social comfort and prosperity, and when advancing civilisation has diffused the lessons of thrift in domestic expenditure and greater self-denial and control, we shall obtain the mastery. But that will not be yet. In the meantime the duty of the government has been to profit to the full by the lessons of the latest calamity and to take such precautionary steps over the whole field of possible action as to prepare ourselves to combat the next.

Time has gone on since these words were uttered; the Indian railway system has been widely extended; water-storage and irrigation have greatly developed; in 1904 an act was passed authorising the formation of co-operative credit societies, and in 1919 there were 31,800 agricultural credit societies in British India with a total working capital of nearly £6,000,000; provincial departments of agriculture have for years been working with a Central Research Institute at Pusa in Bihar to evolve and distribute better strains of existing crops; education has become more widely diffused; emigration has lessened the pressure on some congested areas;[4] altogether there is reason to conclude that substantial progress has been made toward the goal to which Lord Curzon directed untiring thought and endeavour. The way, however, is difficult, for between 1881 and 1921 the population of India rose from 253,000,000 to 319,000,000,[5] and we cannot doubt

[1] See speech by the under-secretary of state for India, 8 July, 1927, Hansard, pp. 1659–60.

[2] *India in 1924–5*, p. 233.

[3] Seventh Budget Speech, 29 March, 1905.

[4] Of late years, however, it has considerably declined for reasons apparent from the publication *India in 1923–4*, pp. 18, 19.

[5] Of this total 247,000,000 belonged to British India and 72,000,000 to native states. Between 1921 and 1931 the increase was 10·2 per cent.

that it is rising still or that it will always be essentially rural. Famines will come from time to time but will not result from a single failure of crops, and will be rather work famines than food famines. They will be periods of unemployment on a scale to call for state relief; and it will always be necessary for the state to see that the helpless and destitute are not left to starve. But we may surely think that the day of isolated experiments and costly blunders has for ever passed. Out of failures and disappointments has come a broad, deliberate and well-tested policy, a matured and effective plan of campaign. None the less will it always be essential that such campaigns should be conducted by devoted and efficient public services, by men equal not only to the ordinary tasks of administration but to those extra tasks which are imposed by grave emergencies. To the old battles with famine many have devoted themselves with unsparing energy, two notable viceroys, British and Indian officials, missionaries of various Christian denominations. Some have fallen by the way without a murmur.[1] May their successors carry on that high tradition!

[1] "There stands by the roadside at Jubbalpore a cross with this inscription: 'To the memory of the officers of the Central Provinces who sacrificed their lives to their duty in the struggle to save life during the great famine of 1896–1897'.

"On the reverse side are the names of five members of the Indian Civil Service, one executive engineer, one police officer, and two lieutenants of the Indian army."

Holland, *The Indian Outlook*, p. 137.

CHAPTER XVIII

THE FINANCES OF INDIA

1858–1918

THE transfer of the government of India from the East India Company to the crown brought with it wide-reaching changes in the financial system of India. By the act of 1858[1] it was provided that the expenditure of the revenues of India should be subject to the control of the secretary of state in council, and that no grant or appropriation of any part of such revenues should be made without the concurrence of a majority of votes at the meeting of the council. Though limited discretionary powers of incurring expenditure were delegated to the Government of India, the regulations of this act placed on the secretary of state and his council the final responsibility for the administration of finances. In India, the somewhat antiquated financial machinery had almost broken down under the strain of the Mutiny. In the reconstruction which followed there was a noticeable tendency to bring the organisation and procedure into closer conformity with English practice. The management of the finances had been hitherto in the collective charge of the governor-general and his council, who exercised a control, that at times had not proved very effective, over the expenditure of the presidency governments. In 1859 the first finance minister was appointed and assumed control over all branches of public accounts. The whole administration of finance was vested in the central government, the provincial governments becoming, as regards expenditure, merely administrative agencies and having no power of spending without sanction the revenue they collected. The budget system was introduced, the English model of preparing the accounts being in general followed. The first budget was presented for the year 1860–1 (the Indian financial year ending 31 March), to be followed in due course by annual statements showing closed accounts.

The main preoccupations of the financial advisers of the Government of India between the years 1859 and 1873—which forms the first stage in the history of the period dealt with—were, after restoring order in the public accounts, to balance income and expenditure, and, subsequently, to meet endless demands for improved administration and for the economic development of the country. The Mutiny had involved the government in serious embarrassments. Some of the sources of revenue had been wholly or partially cut off, and the heavy military expenditure had been met by constant borrowings. In all, over £42,000,000 had been added to the debt,

[1] 21 & 22 Vic. c. 108.

and the accounts statement of 1859–60 showed a deficit of £7,250,000. The total debt, which was largely a legacy of the numerous wars in which the East India Company had been engaged, amounted to about £98,000,000. The state of Indian finances had excited some apprehension in England, and it was decided to appoint an experienced English financier to their charge. The choice fell on James Wilson, to whom the credit for the reforms carried out was largely due. Under his guidance, drastic reductions were effected in civil and military expenditure, while the revenues were enhanced by the imposition of an income-tax for a period of five years. With prosperous seasons, the finances rapidly improved and, by 1864, the deficit disappeared from the budget.

The gross revenue of 1860–1 amounted to £43,000,000. This income was derived largely from sources which differed materially from those most common in European countries, a fact which accounted for some of the peculiar features of Indian finance.[1] Under the revenue system which the government had inherited from its predecessors the main productive sources, the land-revenue and opium, were not derived from taxation: of the taxation heads the chief contributory was the salt monopoly; the ordinary excise, customs and stamps being comparatively unimportant. Direct taxation was at first only intermittently imposed. Though an income of this nature imposed a lighter burden on the public, it was less stable and more costly to realise than that of countries relying in a greater measure on taxation for their revenues. The fate of the budget depended on the course of the monsoon. If the rainfall were favourable, the necessarily cautious anticipations of revenue were more than realised: if unfavourable, the returns from heads such as land-revenue, opium and salt fell off, and the estimated surplus was converted to a deficit, often swollen by the extraordinary expenditure called for by measures of famine relief.

The mainstay of the finances was the land-revenue,[2] which, in 1860, contributed over 40 per cent. to the total of the gross revenues. From time immemorial the ruling power in India had been entitled to a share in the produce of the land. Where there was an intervening landlord, the Government of India exercised its right by taking a portion of the rent paid by the tenant. Where the settlement was made direct with peasant proprietors, it took, as a rule, a portion, either of the estimated net produce of the land, or of the rental accepted as fair for the class of soil. The land-revenue, except in permanently settled tracts, was revised periodically, usually after thirty years, when an assessment was imposed on land brought under cultivation in the interim, or an enhancement made in the rate of assessment, if justified by a rise in rents, or an increase in the value of agricultural produce.

[1] Cf. Bastable, *Public Finance*, bk II, chap. v.

[2] Baden Powell, *Land Systems of British India*, vol. II, chaps. i and ii, vol. III, chap. ii.

The position of part proprietor thus occupied, however historically or economically justifiable, in practice exposed the state to constant pressure to reduce its claims. The material condition of the small holders, due mainly to the density of population and excessive subdivision of the land, in itself called for caution in enforcing enhancements. There was consequently a tendency towards greater moderation in revising the assessments, so as to leave in the hands of the cultivators a larger portion of the profits of their holdings. Though the income from land-revenue shows a fairly steady increase, it was not in proportion to the rise in the rental value of the land. The ratio of land-revenue to the total gross income of the state gradually diminished and at the beginning of the present century had fallen to 25 per cent.

Next in importance was the opium revenue, derived from profits of the state monopoly of the sale of the drug to China and other countries, the revenue from opium sold in India being treated as excise.[1] The receipts under the former head were of a fluctuating nature, depending on the character of the crop in India and the price of the drug in China. The gross income, too, was subject to material deductions, arising out of the purchase of the raw article and its manufacture for export. Though the maintenance of the traffic in opium with China was subject to frequent attack, it survived in much the same form until 1907, when an agreement was entered into with the Chinese Government under which that government undertook to suppress the cultivation of the opium poppy within a period of ten years, while the Government of India consented to the extinction of the import of opium into China within the same period.

Of the revenues derived from taxation the salt duty was the most remunerative.[2] Being an article of local production in certain parts of India, the tax varied in its incidence and method of collection. With the improvement of inland communications, the diversity in rates encouraged smuggling from lower to higher taxed areas, the suppression of which called for a great increase in the preventive staff and so reduced the net receipts. The problem was not satisfactorily solved until the Government of India was able to obtain control of the most important sources of supply in the native states. The establishment of state factories at which salt was sold at a price that included the duty rendered it possible to abolish the expensive inland customs line and fix a uniform rate for all India. The equalisation of the salt duties was completed in 1882, when a single rate of Rs. 2 per maund (82 lbs.) was levied, representing an annual tax of about 5*d.* per head of population. There were frequent fluctuations in the rate of duty imposed, but, generally speaking, the tax was raised only in emergencies and was one of the first to receive the benefit of an improvement in finances.

In 1860 the customs income was derived mainly from a general

[1] Strachey, *Finances and Public Works of India*, chap. xiv. [2] *Idem*, chaps. xiii, xv.

rate of 10 per cent. *ad valorem* on most articles imported.[1] A smaller duty of 4 per cent. was levied on many articles of export. As finances improved, the rate on imports was reduced to 7 per cent. in 1864, and again to 5 per cent. in 1875; many exemptions being made from time to time from export duty. With the growth of industries in India, particularly of cotton manufacture, objections were raised in England to the form in which this duty was levied on the ground that its practical effect was to operate as a measure of protection in favour of Indian manufactures and so conflicted with accepted economic principles. The main issue was the retention of the duty on cotton goods which, so long as the Indian home industry was undeveloped, constituted some 60 per cent. of the total imports. The avowed policy of the Government of India was to adopt complete freedom of import, which was carried into effect in 1882 by the abolition of the general import duties. It was found, however, impossible to forgo this source of income permanently, and the customs-duties were subsequently reimposed.

Of the other heads of taxation, the stamp revenue was realised mainly from fees levied in the form of stamps on proceedings in the judicial courts and from stamps on commercial documents. The excise revenue was derived from intoxicating liquors, hemp, drugs, and opium consumed in India. In 1860 the receipts were unimportant, only slightly exceeding a million sterling, but with more careful administration, excise became one of the most valuable sources of income.

In India, as in England, the income-tax was first introduced as a temporary expedient to meet war expenses.[2] The first general tax was imposed in 1860 to restore the finances after the Mutiny, being levied at the rate of 4 per cent. on all incomes of Rs. 500 or upward, and at half that rate on incomes between Rs. 200 and Rs. 500. It was abolished after five years, but in 1867 bad seasons compelled a resort to direct taxation. An experiment was made with a licence tax on trades and professions, which was of the nature of a tax on incomes. In this modified form the proceeds were insufficient to cover the deficit, and in 1869 the scope of the tax was enlarged and it was converted into a general income-tax. As finances improved, this unpopular form of taxation was dropped. But in 1877–8 financial difficulties again arose, and no means of raising additional revenue, except by direct taxation, being considered practicable, it was reintroduced by the imposition of a licence tax on trades. In 1886 a further step was taken and a tax was imposed on all incomes derived from sources other than agriculture. Experience had been gained to secure the smoother working of the tax and from that time it took its place as one of the permanent heads of revenue.

The above summary indicates the gradual evolution of the revenue

[1] *Imperial Gazetteer of India*, vol. IV, chap. vi.
[2] Strachey, *op. cit.* chap. xii; Findlay-Shirras, *The Science of Public Finance*, chap. xxi.

system. Starting with a somewhat primitive system under which the income was mainly derived from rent on land and fiscal monopolies on opium and salt, the government was able, with the progress of the country, to develop more elastic sources of revenue realised from taxation, such as customs, excise and income-tax. Its general aim being to keep down the incidence of the land-revenue and to reduce the salt duty to as low a point as its finances permitted, the receipts from these heads gradually came to bear a smaller proportion to the gross revenues. As the older sources of economic revenue declined in importance, they were supplemented by newer forms in the shape of receipts from railways and irrigation works.

The distractions of wars by which the empire had been built up left the East India Company little time or money to devote to the prosecution of public works. Not till near the termination of its existence was there any serious attempt to make good the shortcomings of the past. The succeeding government found itself faced with the problem of bringing the country up to date in the matter of roads, public buildings and the public utility services of a modern state. Equally imperative was the need for protection against famine by the construction of irrigation works. The funds required were far beyond the scope of the ordinary revenues, and, in the absence of private enterprise, the government was compelled to fall back on the assistance of foreign capital. Though its fruits have been of incalculable benefit to the country, the public works policy imposed a heavy strain on the finances, and the financial history of the fifty years following the Mutiny is a record of constant struggle to meet the obligations incurred and to maintain uninterrupted progress. Ultimately, as will be shown, the commercial services were to prove a remunerative source of revenue.

In order to secure the essential lines of railway communication the government, from 1853 onward, arranged for their construction through the agency of joint-stock companies with an English domicile, to which a guarantee was given of 5 per cent. on the capital outlay and half the surplus profits.[1] The primary defects of these contracts were that the companies were relieved of responsibility for the cost of construction and the only incentive to economy was the somewhat remote prospect of sharing in the profits. Even allowing for the necessity of gaining experience in railway construction in India, the cost was high and for a number of years the payment of interest charges imposed a considerable burden on the general revenues. In all, the capital outlay on the railways guaranteed under the earlier system amounted to some ninety-seven millions. Under the terms of the contracts the state was able to exercise the right of purchase and the old guaranteed railways were gradually acquired.

[1] Strachey, *op. cit.* chap. vii; Chesney, *Indian Polity*, chaps. xviii, xix; *Imp. Gaz.* vol. III, chap. vii.

In 1869 it was decided to embark on a policy of construction through direct state agency, mainly with borrowed capital. Fair progress was made with the project, but the fall in the gold value of silver rendered the scheme abortive. The burden of paying interest on the sterling debt began to press heavily on the state, and there was a natural reluctance to add to these charges. Borrowings were accordingly limited to such sums as could be raised in India. But a railway policy under which the rate of progress was determined by annual borrowings in a limited market soon proved inadequate to the needs of the country. It was found necessary to fall back on the former system of inviting assistance of private companies by the offer of guarantees, or other forms of state aid. The various contracts differed widely in their conditions, but the terms obtained were more favourable than in the earlier contracts. Where a guarantee was given, the rate in no case exceeded 4 per cent. and the share in the surplus profits payable to the companies was smaller. The construction of railways by direct agency was not discontinued, but the tendency was rather to employ this method for lines required for strategic purposes, or for protection against famine.

In the construction of irrigation works, the government could look for even less assistance from private enterprise.[1] Nearly all the important systems were constructed by state engineers, either from borrowed funds, or special revenues set aside for famine insurance. On the whole the money so spent proved a very remunerative investment, quite apart from the indirect advantages accruing to the state in securing the land-revenue and restricting expenditure on famine relief. But on the other side of the ledger must be set the growing charges for interest on capital, the long delays which often supervened before any return commensurate with the outlay was received, and, over a series of years, the loss in exchange on the sterling portion of the debt.

Apart from the rearrangement of the financial relations between the central and provincial governments, there were no events of outstanding importance prior to 1873. The system of a highly centralised financial control, introduced under circumstances previously mentioned, had not been found to work well in practice. The provincial governments, though responsible for the collection and development of a large part of the revenue, were allowed no discretion in incurring expenditure, and derived no benefit from the growth of income or economy in administration. The position they occupied was in fact something more than that of a department and something less than that of a government, a state of affairs which inevitably led to friction. From the Government of India's point of view the situation was described as one in which "the distribution of the public income degenerated into something like a scramble, in which the most violent

[1] Report of Indian Irrigation Commission, 1903.

had the advantage, with little attention to reason".[1] From the other point of view, the Government of India, in endeavouring to control all items of expenditure over so large a country, had assumed a task which no central authority had the capacity or knowledge to perform. A beginning was made in financial decentralisation in 1871, which was further developed in 1877. The principle adopted was that certain branches of administration, such as the postal services and railways, should be treated as wholly imperial and their receipts taken by the central government. That government, being responsible for the heaviest charges on the state revenues, retained in its hands the income from certain main heads, such as salt, opium and customs. The revenues from other heads, viz. land-revenue, excise, stamps, forests and registration, were shared in a proportion determined according to the requirements of the several provinces. From the income derived from their share, the latter met the expenses of the collection of the revenues and the greater part of the expenses of their civil administration. The financial arrangements between the central and provincial governments were for some time subject to periodical revision, when they were amended according to the state of the public revenues; but, ultimately, more permanent shares in the divided revenues were assigned to the different provinces. As originally framed the system had nothing of a federal character about it. The object in view was mainly to effect an administrative improvement by relieving the central office of an impossible burden of work and freeing the provincial governments from unnecessary interference. The control over finance was not surrendered, since the central government was always at liberty to vary the terms of the settlement. Roughly, the provincial expenditure amounted to one-third of the imperial.[2]

Previously to 1873 currency questions had played little part in Indian finance: from that date they dominated it. Though an attempt had been made in 1868 to introduce the sovereign into India, it had not proved successful and the rupee remained the basis of the currency. Silver being received without limit when tendered for coinage at the Indian mints, the gold value of the rupee depended on the gold price of silver bullion. This value had continued up to 1872–3 fairly constant at about 2*s*., and fluctuations in exchange had been comparatively small.[3] About this time, however, largely in consequence of the demonetisation of silver, first by Germany and subsequently by the Latin Union, the rupee exchange began to drop. Its downward course was for some time gradual, and temporary improvements favoured a policy of inaction. By 1885 it had fallen to an average rate of 1*s*. 7*d*. From this point the decline was more rapid and by 1890

[1] Strachey, *op. cit.* chap. ix; Hunter, *Life of the Earl of Mayo*, vol. II, chap. vi.
[2] Decentralisation Commission Report, *Parl. Papers*, 1907.
[3] Barbour, *The Standard of Value*, chap. xii, 1893.

it had fallen to 1*s.* 4*d.* For a brief period in 1891 the decision of the United States to purchase annually large quantities of silver brought about a sharp rise to 1*s.* 6*d.*, only to be followed by a reaction until, in 1893, the average rate was in the region of 1*s.* 2*d.*[1] This depreciation disastrously affected India's finances by increasing the cost of making remittances to liquidate her gold obligations in England. These consisted mainly of interest on the sterling debt, guaranteed interest on the railways or, after their purchase, of the annuity charges, payment for railway stores, army charges, and furlough and pension allowances of civil and military servants. They were defrayed by the secretary of state's selling for sterling rupee drafts on the Indian treasuries. But so long as the mints remained open to the free coinage of silver, the sterling amounts obtainable at the secretary of state's sales could not ordinarily exceed the cost of procuring silver and remitting it to India for coinage. Each fall in the gold value of the rupee meant proportionately increased cost in defraying the charges to be met in England. In 1892–3, when the exchange had fallen to 1*s.* 2*d.*, the government had to pay 87,300,000 more rupees to meet its gold obligations, amounting to £16,500,000, than would have been required had the exchange stood at the same rate as in 1873.

It will now be convenient to outline the main events between 1873 and 1893 which moulded the course of Indian finance. During the early part of this period India was visited by a cycle of bad seasons which resulted in partial or total failure of the crops over wide areas of country. Two famines, one in Bihar and the other in Southern India, called for expenditure on an unprecedented scale. These and other minor disasters cost the government in relief operations, or remission of revenue, over £15,000,000.[2] A commission appointed in 1877 to enquire into the subject of famine relief recommended that a sum of £1,500,000 should be set aside in prosperous years to meet the cost of these recurring calamities, without further increase of debt. In years free from famine, the surplus was to be devoted, either to the paying off of existing debt, or the avoidance of debt by constructing works, such as railways, the cost of which must otherwise have been met by borrowing. As the condition of the finances did not admit of the sum required being set aside from revenue, additional funds were provided by a fresh cess on land, the imposition of a licence tax on the trading classes, and by reducing provincial assignments. Wars, threats of wars, and falls in exchange caused these arrangements to break down on several occasions, but, as soon as pressure was relieved, the grant was resumed. The operations under the famine insurance scheme enabled the Government of India, in addition to meeting the cost of famine relief, to spend on development projects roughly £5,000,000 from the inception of the scheme up to 1893. During these

[1] Report of Indian Currency Committee (*Parl. Papers*, 1893, *Accounts*, c. 7060).
[2] Report of Indian Famine Commission, 1878.

years the government was in constant financial difficulties. The Afghan war which broke out in 1878 proved very costly. Hardly had the situation improved, when the Government of India was called upon, in deference to the free-trade views obtaining in England, to abolish the duty on all imported cotton goods, the import tax on coarser goods, which formed the main product of the Indian mills, having been removed in 1879. With the abolition of the duty on these goods, which provided the bulk of the customs revenue, it was impossible to justify the retention of the rest of the import tariff levied on a number of miscellaneous articles, many of which yielded an insignificant revenue. It was accordingly decided to abolish all import duties, except those levied on articles, such as liquor and salt, which were subject to internal taxation.

From 1885 the government was again confronted with heavy military expenditure as a result of the threatened advance on India by Russia, and the operations which terminated in the annexation of Upper Burma. An increase in the strength of the army and defensive works on the frontier entailed a steady growth in expenditure between 1886 and 1893. With the limitations imposed on the customs tariff, it was necessary to fall back on other heads of taxation which promised to yield the additional income required. In 1886 the licence tax was converted to an income-tax leviable on all non-agricultural incomes above Rs. 500, and in 1887 the salt-tax was raised from Rs. 2 to Rs. 2½ per maund. With the aid of the revenue thus obtained and by the exercise of rigid economy, a deficit was avoided, but the income-tax in its new form had not been imposed without a good deal of opposition, while the enhancement of the salt-tax was open to the objection that it fell most heavily on the poorest class of the population. The fiscal policy at the time was affording a handle of attack to the newly formed congress party. Though these attacks contained much misrepresentation, they indicate the growing irritation at the financial straits to which the government had been reduced, mainly owing to the neglect to deal with the currency problem. When a fresh crisis in exchange took place in 1892–3, it became obvious that the Indian finances could not support the strain of the enormous losses involved and that a reform of the currency system could no longer be avoided.

The first proposals to this effect were made in 1878, in which the Government of India pressed for the establishment of a gold standard and control of silver coinage: the scheme involved acceptance of gold in payment of government demands but not its immediate recognition as legal tender. Though it differed in many of its features from the system ultimately adopted, the main principle was the same, and some reform on these lines could undoubtedly have been carried out more easily at that time than at a later date when exchange had fallen further and the country was flooded with silver coin. When its pro-

posals were rejected by the secretary of state, the Government of India turned its attention to international bimetallism[1] as a solution of its currency difficulties. Its hopes were kept alive by international monetary conferences, at which the question came under discussion, and the pronounced desire of other governments to rehabilitate silver. But the condition into which the finances of India had fallen, and international currency events from 1890 onward, finally forced the hands of the government and the secretary of state. The world production of silver showed a very decided increase and, in spite of purchases on a large scale by the United States Government, imports into India were rising. India's trade was becoming disorganised by the constant fluctuations of silver, and the banking and trading classes brought pressure to bear on the Government of India to close the mints and establish a gold standard. There was also a grave apprehension that the United States Government might discontinue its purchases of silver, in which case it was impossible to foresee to what lower levels the gold price of silver might fall. Proposals were again submitted for the adoption of a gold standard which were referred by the secretary of state to a committee of which Lord Herschell was chairman.[2] Its recommendations were carried into effect in 1893.

In accordance with these recommendations the mints were closed to the free coinage of silver, the government reserving to itself the right of coining silver as required.[3] It was notified at the same time that sovereigns and half-sovereigns would be received by government at the equivalent of Rs. 15 and Rs. 7½ respectively, and that gold coin and bullion would be held in the paper currency reserve as a backing against notes. No action was taken with regard to making gold coin legal tender. It was believed that, with the closing of the mints to free coinage, a scarcity value would be placed on the rupee and, as it was no longer possible to settle the excess of exports over imports by sending silver to India and coining it into rupees, settlement would have to be made mainly through the secretary of state's council drafts. If the rate of these sales could be kept at about 1*s.* 4*d.* the rupee, the exchange value of the rupee might be forced to this level. With the gradual accumulation of gold coin, it was hoped to build up a reserve which would make the gold standard effective. As soon as the mints were closed exchange rose to the desired level of 1*s.* 4*d.*, but soon fell to lower rates.[4] Several factors militated against the immediate success of the scheme. The heavy coinage before and after the closing of the mints—the government having taken over the silver in transit and with the banks—had led to a redundancy of silver coin over currency requirements. The closing of the mints in India and

[1] Cf. Barbour, *The theory of bimetallism and effects of partial demonetization of silver on England and India.*
[2] Report of Indian Currency Committee, 1893 *ut supra.*
[3] Act VIII of 1893.
[4] Cf. Barbour, *The Standard of Value,* chap. xvii.

the repeal of the Sherman Act in the United States caused a heavy drop in the gold price of silver, and bullion poured into the country to be used for commercial purposes, thereby decreasing the demand for the secretary of state's bills. The rate of exchange continued to decline with the diminishing value of silver, the average for 1894–5 being only slightly over 1*s.* 1*d.* From this point it rose steadily, being materially influenced by the expansion of the internal and external trade of the country. These favourable trade conditions tended to absorb the superfluous currency, thus accelerating the effect of the closure of the mints. The progress was, however, so slow that the government seriously considered the possibility of melting down large numbers of rupees and even of reducing the standard to be aimed at to 1*s.* 3*d.* In 1897 there was definite improvement, the average rate being nearly 1*s.* 3*d.*, and by 1898–9 the goal had been reached and the exchange value of the rupee forced up to 1*s.* 4*d.*, though its bullion value had fallen as low as 10*d.* At this rate it remained with minor fluctuations, until circumstances arising out of the war completely upset pre-existing standards.

Little confidence was felt at the time that the rate would be maintained. The feeling of uncertainty was reflected in representations by the various chambers of commerce regarding the unstable condition of the currency which was disturbing the trade of the country and driving away capital. Fresh proposals by the Government of India for stabilising exchange led the secretary of state to appoint a committee under the presidency of Sir Henry Fowler to review the situation.[1] This committee approved of the closing of the mints as the only practical method of securing a stable exchange between India and the countries with which she principally traded. It recommended the establishment of a gold currency as well as of a gold standard, to secure which it proposed that the sovereign should be legal tender in India and that the Indian mints should be open to unrestricted coinage of gold. The committee was impressed by the view that it would not be feasible to maintain the gold standard without an actual gold currency, and, for this reason, it urged the encouragement of the use of gold in currency. This conviction led it to reject schemes, strongly supported at the time, of establishing a gold standard without a gold currency in India. The advocates of these views held that a gold currency was not wanted in India and that exchange with other countries could be adequately maintained with a sufficient reserve of gold.[2] The most fruitful of the suggestions of the committee was that any profit on the coinage of rupees should not be treated as revenue, but credited to a special reserve to be used for supporting exchange. Its adoption led to the establishment of the special reserve known as the Gold Standard Reserve.

[1] Report of Indian Currency Committee (*Parl. Papers*, 1899, *Accounts*, c. 9390).
[2] Lindsay, *Ricardo's Exchange Remedy*.

The Government of India, acting on these recommendations, passed an act making the sovereign and half-sovereign legal tender at Rs. 15 and Rs. 7½ respectively.[1] The proposal for coining gold in India fell through, owing to difficulties with the English treasury. The efforts to put gold into circulation were the reverse of successful. The currency was not popular, and was continually finding its way back to the treasuries. The result was that the stock of gold in the Paper Currency Reserve, where it was held as a backing to notes issued, rose steadily and the silver reserve came to be inconveniently low. In March, 1900, the stock of silver had fallen to about £3,500,000 and gold had increased in proportion. So long as the public was unwilling to take gold, this small reserve of rupees had to maintain the convertibility of some £18,000,000 of notes. To relieve the strain fresh efforts were made to force gold into circulation, under which the sovereign went to a discount. The coinage of silver was then taken up in earnest, the profits being devoted to building up a special gold reserve. These were transferred to London and, for the most part, invested in government securities.

During the years immediately following 1893 the only events of financial importance were those connected with the improvement of the currency. Until there was a definite rise in the rate of exchange, the main concern of the administration was to balance the budget and curtail expenditure. In 1894 the general import duty at the rate of 5 per cent. *ad valorem* was reimposed. The duty extended to cotton goods, but, to deprive it of its protective character, a countervailing excise duty was imposed on fabrics manufactured at the power mills in India.[2] Aided by this new revenue and the steady growth of the ordinary revenues, the government was enabled to tide over the period of transition to a stable rupee. In 1896–7 Northern India suffered from a famine of unusual severity which cost over £4,000,000 in direct relief. A frontier war in the following year, involving military operations on an extensive scale, caused further embarrassment and both these financial years showed considerable deficits. These, however, may be described as the last of the lean years; from this time onward, owing to the steadiness of exchange, growth of revenues, and improved receipts from public works, the aspect of Indian finances underwent an entire change and, with flowing balances, the government was not only able to reduce taxation but also to provide more adequately for the public services, the development of which had been retarded by the enforced economy of the preceding years.

One of the main factors in the improvement of the finances was that the railways and irrigation works became, about the beginning of the present century, a source of direct profit to the public revenues.[3]

[1] Indian Coinage and Paper Currency Act, XXII of 1899.
[2] Cf. Roberts, *History of British India*, pt II, chap. xii.
[3] Robertson, *Report on the Administration and Working of Indian Railways*.

In arriving at these results all interest charges, not only on open works but also on those under construction, were charged against revenue, as well as annuities for the redemption of commuted capital and annual outgoings of every description. Many of the older undertakings had been returning handsome dividends on the capital invested for a number of years past, but the profits did not counterbalance the loss on newer constructions. In 1900 the revenue account drawn up on the above method showed a small gain, which by 1901–2 had risen to three-quarters of a million and in 1904–5 to two millions. The profits, as in all operations of a commercial character, varied with the season, and in 1907–8 a loss again was incurred, largely owing to increased working expenses. In the following year there was a recovery and from that time the net receipts became an important item in the national revenue.

The greatly improved condition of its finances after 1901–2 enabled the Government of India to allot funds on a large scale to the provincial governments for the purposes of education, sanitation and agricultural development, as well as to reduce taxation. The salt-tax was reduced by successive stages from Rs. 2½ per maund to R 1. Incomes under Rs. 1000 per annum were exempted from income-tax, and, as a relief to the agricultural population, certain cesses on the land were abolished. When the periodical settlements with the provinces were revised in 1904–5, definite shares in the incomes realised within the provinces were permanently surrendered. This was the first step towards the grant of fiscal independence to the provincial legislative councils, some measure of which was essential if any genuine system of local self-government were to be set up. But in 1907–8 there was a turn in the tide. The monsoon was poor and the sources of income which varied with the prosperity of season declined: exports fell off and an exchange crisis supervened. The Government of India was further faced with the problem of losing the greater part of its opium revenue under the terms of the Indo-Chinese agreement of 1907.[1] As three-quarters of the opium revenue was derived from the China trade, this meant that by 1918 a sum of about £3,000,000 would have to be made good from other sources. To provide for future losses in revenue, the customs-duties on a number of articles, such as tobacco, beer, spirits and petroleum, were raised and a higher *ad valorem* duty imposed on silver bullion. The seasons following, up to the outbreak of the war, were prosperous. Revenues from almost all sources showed increases, and speculative purchases of the exportable opium greatly reduced the losses anticipated in the receipts from sale of the drug. In the financial year ending March, 1911, there was a budget surplus of nearly £6,000,000, and in 1913 an even larger surplus of £7,600,000. These large balances excited some criticism of under-estimation of the revenue; but they left India in a strong financial position when the

[1] Strachey, *India*, note to chap. x.

war broke out, and enabled the government to meet successfully some of the difficulties which arose during its early stages.

Figures of revenue have hitherto been sparingly quoted. The rupee has varied so greatly in value that it is impossible to adopt any fixed standard for conversion into sterling. Apart from this, owing to alterations in the system of keeping the public accounts, no comparisons of any accuracy can be instituted between the figures of different periods. But by 1913–14 the rupee had become comparatively stable, and the figures of that year may usefully be quoted to illustrate generally the increase in revenues since 1860 and the main sources from which they were derived.

Revenues of India, 1913–14 (in thousands of pounds sterling)

	£
Land-revenue	21,391
Opium	1,624
Salt	3,445
Stamps	5,318
Excise	8,894
Customs	7,558
Income-tax	1,893
Forests	2,220
Interest	1,352
Post Office and Telegraphs (net receipts)	3,598
Railways (less working expenses) ...	17,625
Irrigation	4,713
Military receipts	1,369
Other heads...	4,307
Total...	£85,307

The gross revenue of the country had nearly doubled, but, though the sources remained much the same, there had been a material change in their relative importance. The contribution of land-revenue to the total had fallen to 24 per cent., while the commercial services were yielding a steadily increasing surplus. The opium revenue had become unimportant. Though excise and customs had increased in productiveness, the proportion of economic to tax revenues was still high. But the pressing demands of the state in war time could only be met by resort to taxation, and, consequently, in the following years there was a great expansion in the receipts from excise, customs and, above all, income-tax.

The total debt after the Mutiny amounted to some £98,000,000, the whole of which had been borrowed for unproductive purposes and the interest was a dead weight on the revenues. There were additions to the debt in 1877–8, as a consequence of the famine of that year and the military operations in Afghanistan which followed the famine. Some further debt was incurred in 1896 to 1898, again to meet deficits caused by famine and war, but, with these exceptions, the great bulk of the rupee and sterling debt was incurred in connection with the

construction of railways and other public works. By a system instituted in 1880–1, an amount of the ordinary debt, equivalent to the capital expenditure on public works supplied from ordinary revenues, or from the famine insurance grant, was transferred to the public works portion of the debt. As the state of finances improved after 1901–2, larger allotments were made to public works, resulting in a corresponding reduction of the ordinary debt. In 1881–2, reckoning the rupee at 1*s.* 4*d.* for purposes of comparison, the ordinary debt stood at £74,000,000 and the public works debt at £48,000,000. By 1898–9, the figures were £63,000,000 and £169,000,000 respectively. There were subsequent changes in the method of distributing the debt between the productive and unproductive heads, but the net result of the transactions up to the outbreak of the war was that by far the greater portion of the debt stood invested in public works which more than repaid the interest due on the capital outlay, while that portion of the debt which imposed an actual burden on the country had been reduced to very small limits. The position was summed up by the finance minister as follows:

> Out of a total debt equivalent to £274,000,000 outstanding at the end of March, 1914, only about £13,000,000 represented ordinary, or unproductive debt. Our total annual interest charges amounted to some £9,250,000. Railways and irrigation works in the same year yielded us a return of £15,250,000. Thus we had still left some £6,000,000 of clear revenue from our great undertakings after meeting interest charges on our entire public debt.[1]

During the years between 1900 and the opening of the war the currency system was undergoing further developments, and assuming a shape somewhat different from that contemplated at the time of the closing of mints. When that measure came into effect, India's trade balance could be defrayed, either through the secretary of state's bills, or remittance of gold to be exchanged into rupees, the only currency medium which circulated freely throughout the country. The government being under an obligation to give rupees or notes in exchange for gold, a succession of favourable trade balances led to an inconvenient accumulation of gold in the reserve treasuries. By 1904 it became apparent that the secretary of state's drawings could not be limited to his own requirements and must be expanded to meet trade demands, and council bills were accordingly offered for sale at a fixed rate without limit. These drafts were met in India in rupees or notes from the cash balances or reserves. As the latter became depleted, the outgoings were replaced by fresh coinage of rupees. Under this system the increase of coinage became more or less automatically regulated, for, so far as practicable, it was undertaken only when trade demands called for it and to the extent necessary to make good the depletion of silver in the currency reserves. The profits on coinage, which, owing to the low bullion value of silver, were considerable,

[1] The Financial Statement and Budget, 1915–16.

were remitted to London to strengthen the gold standard reserve. To maintain exchange there were thus cash balances in London, gold reserves in the paper currency reserve, held partly in London but mainly in India, and, finally, the gold securities in the special reserve.

These resources were fully called upon in the exchange crisis of 1907.[1] The harvest of that year was a partial failure and the volume of exports declined; a financial crisis in America had resulted in a stringency in the London money market. Exchange began to drop ominously and the situation showed no improvement when the sale of council bills was altogether suspended. The Government of India at first showed some reluctance to part with its gold, but, as exchange further weakened, the expedient was adopted of selling in India sterling bills on the secretary of state in London at a fixed rate. The secretary of state met these bills by drawing on the branch of the paper currency reserve in London, and then on the gold standard reserve, and by temporary loans. This method of maintaining a stable exchange by the issue of what is known as "reverse councils" has since become an integral part of the currency system. With the return of normal seasons, the gold reserves in England were replenished by the sale of council drafts against the rupees which had accumulated in the Indian treasuries during the period of weak exchange. The experience of the year 1907–8, which had drained their gold assets to the extent of some £18,000,000, had impressed on those responsible for the finances of India the necessity of large, fluid reserves in London to meet similar emergencies. Heavy council drawings and the resumption of coinage of rupees on a large scale enabled them to carry this policy into effect. But the working of the gold exchange standard was imperfectly understood both in England and India, and the magnitude of the balances, their utilisation and location became subjects of criticism from somewhat different points of view in both countries. A royal commission was appointed to enquire into these matters and generally into the working of the currency system. The commission reported in 1914, and in the main found in favour of the system which had been built up, since it had successfully and at a comparatively cheap cost established what was of essential importance to India, viz. a stable exchange. It arrived at the definite conclusion that a gold standard could be worked without a gold currency and that it was not advantageous to encourage the use of gold in active circulation. In view of the necessity of strong gold reserves to maintain exchange, it did not propose that any present limit should be placed on the gold standard reserve, the location of which it agreed should be in London. The principal modifications suggested were in the direction of making the paper currency system more elastic and

[1] Keynes, *Indian Currency and Finance*, chap. vi; Findlay-Shirras, *Indian Finance and Banking*, chap. vi.

encouraging the use of notes as an alternative to the more costly issue of silver coin.[1]

Though no moratorium was found necessary in India on the outbreak of the war, there was a general feeling of insecurity which was reflected in a run on the savings bank and an abnormal demand for the conversion of currency notes into rupees. To restore confidence, the government offered special facilities for the withdrawal of deposits and the encashment of notes. There was a shrinkage of some £11,000,000 in the gross note circulation, but, as the fears of invasion proved groundless, the drain on government resources diminished and by 1916 normal circulation was resumed. It was, however, found impossible to continue the issue of gold in exchange for rupees and notes, a sum of nearly £2,000,000 having been paid out in the first few days of August, 1914. The weakness of exchange which developed was met by the now accepted policy of offering reverse council bills for sale and by an undertaking by government to support exchange to the extent of its resources.[2] The sale of some £8,000,000 reverse council bills sufficed to steady exchange and by the beginning of 1915 the rate was approaching its former level. The balances which had accumulated both in India and in London, where the assets of the gold standard reserve exceeded £25,000,000, were strong enough to meet the strain, and it was no small tribute to the soundness of the currency system which had been established that it successfully stood the test of the initial difficulties of the war.

The subsequent problems arose from the larger share India was called upon to take in financing the outlay on the war, and the increasing demand for her products in allied countries at a time when the customary methods of paying for her exports had become completely dislocated. In the five years preceding the war, the balance of exports over imports, averaging some £50,000,000 per annum, had been met, partly by the secretary of state's council drafts and partly by the import of bullion and gold coin. The strain of the war on her finances made it impossible for England to part with her gold, while the production of silver, as the war proceeded, fell off and its price rose materially. The necessary consequence was to throw in an increasing degree on the secretary of state's council drafts the burden of defraying the trade balance, with the resultant depletion, in the absence of sufficient supplies of silver for fresh coinage, of the silver reserves. As it became impracticable to meet all the trade demands, the council drafts had to be limited in amount to the rupee resources of the Government of India, in order to preserve sufficient rupees to maintain convertibility of the note issue. Coinage was continued so far as silver was procurable, but its price rose to a point at which the

[1] Report of the Royal Commission on Indian Finance and Currency (*Parl. Papers*, 1914, *Returns, etc.*, c. 7236–7).
[2] Findlay-Shirras, *Indian Finance and Banking*, chap. vii.

bullion value of the rupee appreciated beyond its face value. The combined result of the insistent demands for his bills and the rise in the world's price of silver compelled the secretary of state in August, 1917, to abandon the 1*s.* 4*d.* standard of the rupee and raise the price of his bills to 1*s.* 5*d.* As silver soared upwards, the rate had to be raised in proportion, to avoid coinage at a loss and as a safeguard against rupees being melted down and smuggled out of the country for their bullion value.

With the expansion of military operations in the East, larger forces were recruited and equipped in India and there was an ever-growing demand for material of all descriptions and foodstuffs for the armies in the field. The disbursements for war supplies and services were made in India, but the corresponding payments were made to the secretary of state in England, whose only means of remittance of the funds locked up in London was by purchase of silver when obtainable. A stage was thus reached when the balances in London were very large, while those in India were subject to constant strain and diminution. The financial history of the later years of the war is one of continued struggle on the part of the Government of India to raise the funds necessary to meet the obligations undertaken, and to stave off inconvertibility of the note issue which was threatened by the absorption of rupees and the steady depletion of the silver reserves.

Fortunately the country was prosperous; its industries were flourishing and expanding; its agricultural and mineral products were realising high prices. The government was able to raise loans in India on an unprecedented scale, a new departure being made in the offer of short-dated treasury bills. In the year 1917–18 the rupee borrowings reached the high figure of £62,000,000, though hitherto the total rupee debt had amounted only to some £98,000,000. In common with other belligerent countries, the government was compelled to finance itself to some extent by the expansion of the note issue.[1] As a consequence of the rise in prices and stagnation of the rupee circulation, due partly to the decline in imports checking the normal down-flow of silver from the agricultural districts, the currency became inadequate to the demands of trade and efforts were made, with a considerable degree of success, to encourage the use of notes as a circulating medium. The paper currency reserves in London were increased by the purchase of British treasury bills and an issue of notes in India was made against this holding. The note circulation rose from some £44,000,000 to £58,000,000 by 31 March, 1917, and the necessities of the situation compelled a still larger increase in the following year. Issues were made of notes of small denominations of Rs. 2 and R. 1, which gradually came into use for smaller transactions as rupees decreased in circulation. In 1917, and even more in 1918, the moving of the big jute and cotton crops was largely financed by

[1] Acts XI and XIX of 1917.

notes. The restrictions that government was obliged to impose on encashment led to notes changing hands at a discount, and full confidence was not restored until the receipt of large quantities of silver from America.

In 1914 the paper currency reserve had consisted of £14,000,000 in silver, £21,000,000 in gold and £9,000,000 in securities to back a corresponding note issue. By March, 1918, the silver portion had been reduced to £6,000,000, while securities had risen to £40,000,000, or 60 per cent. of the reserve. The government had been driven to war-time expedients to maintain the metallic portion of the reserve. An ordinance issued in June, 1917,[1] required that all gold imported into India should be sold to government at the exchange rate. Later on, the import of silver on private account was prohibited so as not to interfere with the secretary of state's purchases, while the export of silver coin and bullion was further declared illegal. In spite of these and other temporary measures, inconvertibility, which would have been attended by serious financial and political dangers, seemed inevitable when the silver balance sunk in June, 1918, to £3,000,000. At this juncture the situation was relieved by the arrival of the first consignment of silver from America. The United States Government had been requested some time previously to release a portion of the large silver reserve stored in its currency vaults. The negotiations took time and an agreement was not finally reached until April, 1918, in which month an act was passed in congress authorising the breaking up and sale to allied governments of a large quantity of silver dollars,[2] of which some 200 million fine ounces were allotted to India. To further relieve the strain on the silver balances, the coinage of gold was undertaken in India. As part of the gold acquired was not in sovereigns, but in bullion or foreign currency, a branch of the Royal Mint was established at Bombay for the coinage of sovereigns.[3] The issue did not remain long in circulation, but, as an emergency measure, it served its purpose of relieving the pressure on the silver balances.

The embarrassments of the Government of India during the war were those incidental to an economically backward country in which the banking system was undeveloped and the people wedded by their customs to a metallic currency. Intrinsically, the financial position was sound: the revenues were generally adequate to meet expenditure and large balances had accumulated with the secretary of state in London. In the first two years of the war, the dislocation of trade affected customs and railway receipts, and a falling off of revenue combined with higher expenditure for frontier defence resulted in small deficits. In 1916–17 the general tariff was raised to 7½ per cent.

[1] Under the Gold (Import) Act, XXII of 1917.
[2] Act No. CXXXIX, 65th Congress, 1918.
[3] Bombay Mint Proclamation of 1917.

and there were considerable increases in the duties on liquor and tobacco. In the following year, the import duty on cotton fabrics was raised to the general tariff level, the excise duty on articles manufactured in Indian mills remaining at the previous 3½ per cent. Export duties were also levied on jute and tea. In 1916–17 the income-tax was graduated and raised to a maximum of 1 anna in the rupee (about 1*s.* 3*d.* in the pound) on higher incomes. This was followed by a super-tax which might run up to 3 annas in the rupee on incomes in excess of Rs. 50,000 per annum. As the demands for Indian products increased, a trade boom set in, which was reflected in increased receipts from the more elastic sources of revenue. In 1917–18 receipts from customs rose to £11,056,000, from excise to £10,161,000 and from income-tax to £6,308,000.[1] The railway receipts of that year broke all previous records. The surplus of the year ending March, 1917, amounted to nearly £10,000,000, and that of the following year exceeded this figure. Meanwhile the gold standard reserve had risen to £34,000,000 in securities and cash at short notice. Though India prospered during the war, her financial contribution was no less generous and whole-hearted than her military, for in 1917 she proffered a sum of £100,000,000 as a war gift to the home government, and part of the taxation imposed was to meet the interest on the loans raised for the purpose of making this subvention.

The revenues at the end of the financial year 1917–18 amounted to £113,000,000, a large advance on the figures of the first regular budget. In spite of this increase, there was no considerable source of central taxation, excluding the super-tax levied at a late stage of the war, which had not already been imposed in 1860, and in many cases the rate of assessment had been lowered. The salt-tax had been considerably reduced, and customs-duties were levied at a lower rate. Though the income-tax on higher incomes was somewhat heavier, the minimum taxable limit had been raised and agricultural incomes excluded from direct taxation. The incidence of the land-revenue per cultivated acre was lower and, in view of the great rise in the prices of produce, it imposed a far lighter burden on the occupier of the land. The increase in total receipts was due mainly to the greater wealth and prosperity of the country, and the development of the commercial services which accounted for over 25 per cent. of the gross revenues. The unproductive debt, which had sunk to the low figure of £3,000,000 in 1915, had risen under the stress of war to £67,000,000; but the greater part of the debt, viz. £283,000,000, had been incurred on works of a productive character. When the period under review opened, India was almost unequipped with the public utility services of a modern state, while its finances were liable to be paralysed by the frequent occurrence of disastrous famines. Without its system of railways and canals, the commercial and industrial development of the

[1] Finance and Revenue Accounts.

country, reflected in the increase of its revenues, would have been impossible; and by the protection they ensured, these undertakings had so far mitigated the effects of the uncertainty of the weather that famines in their former severity had become things of the past. The two outstanding achievements of the era were the financing of these great public works during a period of great monetary stress and the stabilising of the currency by the setting up of the gold exchange standard. The latter not only served its immediate purpose by rescuing the finances of the state from the depths of depression into which they had fallen, but, when perfected, permitted of the building up of a substantial gold reserve without trenching on the ordinary income. The best evidence of its success was its wide imitation throughout the East. Commenting on this, Mr J. M. Keynes wrote: "I believe it contains one essential—the use of a cheap local currency artificially maintained at par with the international currency or standard of value (whatever it may ultimately turn out to be)—in the ideal currency of the future".[1]

[1] Keynes, *op. cit.* chap. ii.

CHAPTER XIX

THE GROWTH OF EDUCATIONAL POLICY 1858–1918

THE Mutiny threw back large tracts of Northern India into anarchy. In important provinces the law courts were closed for months. When reorganisation began, the finances of the country were in grave disorder. Large expenditure was required in all directions; and a succession of famines occurring at intervals of no long duration impressed very strongly upon the government the urgent need of railways, roads and a large extension of canals. Profit from such reproductive works did not come in at once and meantime various military needs constantly asserted themselves.[1] Sufficient funds for education were difficult to find; but had they been abundant, it would still have been a most arduous task to cause a stream of useful knowledge to percolate through the innumerable strata of immense populations rooted in institutions immemorial in their antiquity and unique in the complex character of their framework. The contrast between conditions in England and conditions in India had been clearly pointed out by Sir Charles Wood in 1853. In the former country there was every possible stimulus to active exertion, both public and private, public ambition, private rivalry, large capital, general education, and every motive which could make an energetic race urge on progressive improvements and suffer no prejudices to interfere.

> "In India", said Wood, "you have on the contrary a race of people slow to change, bound up by religious prejudices and antiquated customs. There are there in fact many—I had almost said ali—the obstacles to rapid progress, whereas in this country there exist every stimulus and every motive to accelerated advance."[2]

Lord Stanley, the first secretary of state for India, lost no time in turning his attention to the subject of education. In a dispatch dated 7 April, 1859, he summarised all information up to that time received regarding the results of the policy laid down in 1854 and asked for more. But his term of office was short; and his letter had hardly reached India when he was succeeded by Wood, the chief author of the policy proclaimed in 1854. Stanley's dispatch[3] had dealt with all the main points in issue, laying down that as a general rule appointments in the department of education should be filled by individuals unconnected with the civil or military service of the government. Grants-in-aid for Anglo-vernacular schools had evidently been much

[1] Napier, *Life of Lord Napier of Magdala*, pp. 260–2.
[2] Hansard, 3 June, 1853, CXXVII, 1101.
[3] Richey, *Selections*, p. 426; Satthianadhan, *History of Education in Madras*, Appendix D, p. xliii.

appreciated, but it was generally impossible to procure local support for the establishment of any new elementary (vernacular) schools. Educational officers should apparently be relieved of the invidious task of soliciting contributions for the support of such institutions from classes whose means were generally extremely limited and whose appreciation of the advantages of education did not dispose them to make sacrifices for obtaining it. The means of elementary education should be provided by the direct instrumentality of the officers of government according to one or other of the plans in operation in certain provinces. Teaching in state schools must be entirely secular.

In spite of grave financial difficulties, both Wood, who held office till 1866, and the governor-general in council were anxious to spare money for education. The new department in each province consisted of a director, an establishment of inspecting officers, and a teaching staff rising from masters of primary schools to professors and principals of colleges. In 1871 control of these departments was made over to provincial governments, who were given fixed assignments from central revenues. But the central government kept in touch with all provincial proceedings and granted additional funds from time to time. The superior officers were classified in four grades, in Bengal in 1865[1] and in other provinces afterwards. The average value of a graded post was about Rs. 900 a month, comparing poorly with the salary of the average civil servants of a corresponding position; but the work attracted distinguished university men from Great Britain.[2] Graded officers were appointed by the secretary of state, and ungraded inspectors and teachers by the provincial authorities. Each provincial government shared its responsibility for higher education with one of the universities.

These were purely examining bodies. The affairs, concern and property of each were managed by a senate which consisted of a chancellor, vice-chancellor and fellows, who were chiefly government servants. The senate drew up by-laws and regulations for the approval of the governor-general in council in the case of Calcutta, and of the governors in council in the case of Bombay and Madras. The universities awarded "academical degrees as evidence of attainments and marks of honour proportioned thereto", admitting to their examinations students from colleges affiliated by permission of the local governments concerned.[3] Each university had its separate sphere of influence. Calcutta presided over higher education in Northern India, the Central Provinces and British Burma; Bombay and Madras rendered the same service to their respective presidencies and to the native states of Western and Southern India.

[1] Howell says 1864. But see *Report of the Education Commission*, 1882, para. 346.

[2] Fraser, *Among Indian Rajas and Ryots*, p. 44. See also Howell, *Education in British India*, p. 92.

[3] *Report of the Indian Education Commission*, 1882, para. 340.

The senates committed executive authority to subordinate syndicates which consisted of small bodies of fellows sitting together with the vice-chancellors; they also appointed members of the various faculties, which were four in each university: (1) arts (or general education) including science, (2) law, (3) medicine and (4) engineering. The faculties elected members to the syndicates and recommended examiners. The dispatch of 1854 had advised the institution of certain chairs, but Dalhousie had rejected this suggestion, observing that the universities would be ill qualified to superintend actual tuition.[1] Teaching therefore devolved wholly upon the widely scattered colleges, government, missionary and private. Proprietary colleges were being established by private enterprise mainly in Bengal. Many colleges held classes in school-courses and had been originally "high" or Anglo-vernacular schools. Some high schools possessed college classes. The great majority of colleges throughout our period were "arts" colleges, giving a literary education to students whose inherited tastes inclined them toward literary courses with government service, the bar or teaching as the eventual goal. Two government Sanskrit colleges, originally organised as "tols",[2] had also started English departments. There were two colleges of engineering, established one at Rurki in the North-Western Provinces in 1847, and the other at Sibpur near Calcutta in 1856; and others were in contemplation. A class for instruction in engineering and surveying had been opened in Elphinstone College, Bombay, as far back as 1844. Medical colleges at Calcutta, Madras and Bombay were doing most useful work. Law colleges followed later.

For admission to a college or to a college class in a high school, a candidate must satisfy examiners appointed by the university to conduct a matriculation or "entrance" examination. An undergraduate who passed the entrance and wished to proceed to the degree of bachelor of arts must first for two years read up to a "first arts" or "intermediate" examination. This test satisfied, he must go through a course of more specialised study and might then present himself for the bachelors' examination. The degree of master of arts was conferred after a further examination, the conditions of which varied at the different universities. The ordinary age for matriculation varied from about fourteen to seventeen. Students sometimes graduated at eighteen or nineteen. The great majority did not proceed to a degree for the course was long, and a certificate of having passed the entrance qualified a youth to be a candidate for clerical posts in government service which required some knowledge of English, while a certificate of having passed the intermediate or first arts was a still more useful credential.

Colleges were of the first or second grade according as they gave

[1] Richey, *Selections*, p. 402.
[2] Cf. p. 101, *supra*.

instruction for the full university course or only for that part ofi t which led up to the intermediate. Teaching therein was conducted in English mainly by lectures and to a far smaller degree by tutorial assistance. It was presumed that a student admitted to a college after matriculation came from his high school equipped with a knowledge of English sufficient to enable him to follow and understand the lectures. If therefore he was to benefit really from college he must matriculate with a substantial knowledge of that language. The entrance must be a real test. If the whole collegiate training were not to fail in a vital point, the teaching of English in the high (Anglo-vernacular) schools must be thorough and good. And as these schools were managed and owned by various authorities, the only hope of bringing school-teaching up to a satisfactory standard lay in securing frequent visits from competent inspectors.

Schools admitted within the pale of the system devised in 1854 were "recognised" by the government and inspected by its officers. There were various stages in school education, each averaging from two to three years, and ending in an examination. The schools corresponded in grade to each of these stages. Those which prepared pupils for the matriculation were high schools. Teaching here tended, in areas subject to the Calcutta University, toward neglect of the vernacular largely because the senate, after first allowing all answers to questions in geography, history and mathematics to be given in any living language, ruled in 1861–2 that all answers in each subject should be given in English except when otherwise specified. The object was to ensure that all matriculates should be able to follow college lectures satisfactorily, but while this object was by no means achieved, study of the vernaculars materially suffered. In the high schools boys might be taught in either English or the vernacular.[1] The courses were predominantly literary, according to the tastes and inclinations of teachers and taught, and affording large scope for memorising, of which full advantage was taken. High schools often contained classes usually associated with schools of a lower grade. Below them were preparatory "middle English" schools; and there were vernacular middle schools which did not lead up to any of the openings provided by university credentials, but afforded opportunities for further study to boys who were not content with an elementary education and wished to qualify for vernacular clerical or teaching posts. Last came the primary schools, either "upper", more elementary editions of the vernacular middle school, or "lower", which varied from the old indigenous *patshala* or *maktab*, assisted now by a government grant, to a modern institution. The cost of maintaining a primary school was met only partly by fees, which were everywhere extremely low.

Schools of higher and lower grades were connected by a system of

[1] *Report of the Calcutta University Commission*, pt I, chap. xviii.

state scholarships. "Normal" schools were provided for the training of teachers in vernacular schools.

Such were the main features of an elaborately organised system. Outside its pale were many indigenous institutions, of the varieties described in a previous chapter, where masters and pupils walked in the old ways asking for nothing from the state. Outside, too, were denominational and endowed schools for the children of the community of domiciled Europeans and Eurasians.

The system took time to develop; and even in the middle 'sixties British Burma had no regularly organised department of public instruction. Some idea of early progress in India generally may be gathered from a "note" on the state of education in 1865–6 prepared under government orders by A. M. Monteath, secretary to the Government of India, which was laid before parliament together with some critical observations by Sir A. Grant, director of public instruction at Bombay.[1]

The universities, it was said, had supplied reliable tests and stimulated educational institutions. In higher education Bengal stood first. The largest number and the best specimens of colleges and schools were to be found there, filled by pupils whose appreciation of the education received was attested by the considerable amount of fees paid. In no other province of India were the literary or professional classes so closely interwoven with the landed classes; and in no other province were university credentials so valuable to a bridegroom. So far Bengal arrangements had prospered; but here their success terminated. The great mass of the people, the labouring and agricultural classes, had hardly been touched. The old indigenous schools retained their ground. Various efforts were being made with indifferent success to mould these into efficient institutions, although some of their *gurus* or teachers were induced by stipends to undergo courses of training at normal schools. In the North-Western Provinces, on the other hand, while arrangements for education for the higher and middle classes were meagre and received with moderate enthusiasm, village schools under government direction, established on the plan devised by Thomason and assisted by a 1 per cent. school-rate on all newly settled land-revenue, were working well and ousting the indigenous schools the teachers of which were set against reform, desiring "no assistance which should involve the trouble of improvement".

In British India generally higher instruction was making way, but primary education was advancing very slowly. It was possible for zealous educational officers to procure promises of contributions for the upkeep of village schools, but difficult to collect such contributions, as interest soon flagged. Missionary help was highly valued. In Burma the Buddhist monasteries imparted a knowledge of reading and writing to three-quarters of the juvenile male population, and

[1] *Parl. Papers*, 1867–8, L, 1 *sqq.* Cf. *Calcutta Review*, XLV, 414–50.

the chief commissioner was endeavouring to induce the monks to accept ordinary school-books for the instruction of their pupils.

Monteath described university conditions. The directors had ordered in 1854 that the standards for common degrees should be fixed so as "to command respect without discouraging the efforts of deserving students", while in the competition for honours care was to be taken to maintain "such a standard as would afford a guarantee of high ability and valuable attainments". Colleges affiliated to the Calcutta University numbered eighteen in Bengal, ten of which were private, seven in the North-Western Provinces, three of which were private, one in the Panjab, one in the Central Provinces, two in Ceylon. In 1861 candidates for the Calcutta entrance examination had numbered 1058, of whom 477 obtained admission to colleges. In 1866, the corresponding figures were 1350 and 638. Of these a solid proportion were assisted in pursuing their university careers by scholarships contributed by the state. Bachelors of arts numbered fifteen in 1861 and seventy-nine in 1866. In Madras affiliated colleges and schools educating up to and beyond the matriculation standard numbered nineteen, eleven of which were conducted by missionary societies, but the senate admitted students to its examinations without compelling them to produce certificates from affiliated institutions. Candidates for the entrance numbered eighty in 1860–1, and 555 in 1865–6, of whom 229 passed. In Bombay higher education had progressed slowly. Even in 1866 only 109 candidates passed the entrance and bachelors of arts were only twelve. There were four affiliated colleges, three of which were situate in Bombay. But a strong stimulus had been recently applied by very liberal private donations from Indian gentlemen totalling Rs. 20,000 in 1862–3, Rs. 471,000 in 1863–4 and Rs. 401,200 in 1864–5.

The education of Muhammadan boys was relatively backward. In Bengal particularly the Muhammadan community was falling behind and losing influence.[1] There was very little education of girls either Hindu or Muhammadan. In Bengal English was too freely employed as the medium of instruction, and this to such an extent as seriously to retard the progress of the pupils in their acquisition of general knowledge; while as regards quality the English taught was not only rudimentary but curiously faulty in idiom and accent. In the North-Western Provinces and Panjab English was merely studied as a language. The neglect of vernacular studies for the purpose of learning it was strictly prohibited. In Madras the result of attempts made to carry on instruction through English before pupils had obtained sufficient grasp of that language had been "failure more or less complete". In Bombay English education had been starved in the interest of vernacular education; but the desire for the knowledge of English was increasing through a desire to acquire superior qualifica-

[1] *Calcutta Review*, XLV, 441.

tions for government and other employ. This desire was everywhere the powerful influence which, more rapidly in some provinces than in others, was moulding the future. Education was in demand mainly as a channel for employment, and a knowledge of English was the royal road which led to the most lucrative positions and professions.

The total cost of education in 1865–6 was estimated at Rs. 8,217,669, but of this sum Rs. 4,529,580 only came from imperial funds. The rest was supplied by local sources "such as education cesses, school fees, private endowments, subscriptions". But information regarding expenditure on private institutions was neither exhaustive nor reliable. Special rules had been framed to regulate grants-in-aid to schools designed for the instruction of European and Eurasian children.

In this connection we may just now particularly recall Lord Canning's words:

> The Eurasian class have a special claim upon us. The presence of a British government has called them into being;...and they are a class which, while it draws little or no support from its connection with England, is without that deep root in and hold of the soil of India from which our native public servants, through their families and relatives, derive advantage.[1]

The state educational system was only one side of a process which was rapidly spreading abroad Western culture and ideas. The scene had indeed changed since the days when crowds assembled, with the law's permission, to see widows burnt alive, and missionaries sought refuge in Danish territory, when dacoits exercised a "horrid ascendancy" over large tracts of country, and "thags" were able to "glory in their achievements as acts pleasing to a deity".[2] Elaborate and carefully considered codes of substantive law and procedure, criminal and civil, were coming gradually into force and were beginning to exercise a powerful influence over thought. In the seaports, in the provincial capitals, in the historic cities inland, a new India was growing up, an India of railways and telegraphs, of law courts and lawyers, of newspapers and examinations. Extending communications, widening commerce, developing industries were increasing the European population. The railways were mainly manned by European officials; road-surveyors, contractors, tradesmen, custom-house officers were multiplying. Assam and the slopes of the Himalayas abounded with tea-planters, Tirhut and Lower Bengal with indigo-planters. The Indus, the Brahmaputra, the Irawadi, the Ganges to some extent, and the whole coast from Calcutta to Persia on the one side, and to the Straits on the other, were navigated by steamers under British commanders. The seaports and large cities contained many families of mixed race, many European and Eurasian

[1] Quoted *ap.* Croft, *Review of Education in India*, p. 294. Cf. *Calcutta Review*, XLII, 57–93.

[2] Cf. chaps. ii and vii, *supra*.

children whose minds needed rescue from the perils of unrelieved materialism.[1]

The new times were better than the old; but they had brought many problems of their own. While the demand for Western education was widening rapidly among the Hindu professional classes, it continued to run almost invariably into literary courses, particularly in Bengal; and the avenues to government service, the bar, teaching and journalism were gradually becoming thronged. The land-holders, on the other hand, who had hitherto been the natural leaders of the people, were slow to grasp new opportunities; the martial classes, who had always been held in high social estimation,[2] were equally indifferent; and the masses themselves, in spite of much earnest effort on the part of educational officers, up to the very end of our period, remained chiefly and persistently illiterate. Even in 1919, although no longer hostile to primary education, they were "lukewarm in its support and seldom pressed for its extension".[3] Only 2·4 per cent. were enrolled in primary schools, and only 2·8 were undergoing elementary education of any kind. Even when allowance is made for the great increase of population between 1860 and 1918 these figures are impressive.

Mass education was and is mainly a rural problem.[4] A villager who sought the law courts hired a petition-writer and a pleader; if he visited a shop he ascertained prices by enquiry. On the very rare occasions on which he wished to send or decipher a letter, he obtained the assistance of his village accountant or a professional scribe. "The uselessness of education to such people", wrote a school inspector from the province of Oudh in 1883,

> is proved by the fact, of which there is overwhelming evidence in every town or village where a school has been established, that the great majority of our ex-students, in less than 10 years after leaving school, can neither read, nor write, nor cipher, and that the sharpest among them are not able to do more than compose a very simple letter, or decipher some 50 words out of 100 in a few lines of print. From having nothing to read, having no occasion to write, and no accounts to keep, they gradually forget whatever they learn, and are as ignorant as if they had never been at school. There is no hope that knowledge will grow from more to more so long as the daily life of the masses remains destitute of everything which can afford scope to the utilisation of knowledge or engage the attention of an educated man.[5]

The writer based these observations on the assumption that the agriculturist ex-student remained in his village and followed the calling of his fathers.

> If he goes elsewhere and enters into service or obtains clerical employment he will find a use for his education. But government primary schools were not started with the idea of seducing boys from their hereditary callings.

[1] *Calcutta Review*, XLII, 49. Cf. Strachey, *India*, pp. 10–11.
[2] Cf. Forbes, *Oriental Memoirs*, I, 341.
[3] *Statement of Moral and Material Progress*, 1917–18, p. 110.
[4] See Burn, *Census Report on N.W.P. and Oudh*, 1901, p. 160.
[5] Nesfield, *Calcutta Review*, LXXVI, 356. Cf. *Statement of Moral and Material Progress*, 1925–6, p. 166.

It is certain that, while the cultivators often required cow and goat herds in their open unfenced fields, they had solid reason for supposing that, unless some particular opening presented itself, schooling would prove an infructuous investment.[1] If a parent embarked on it, he did so in the hope that the boy would make education a stepping-stone to service of some kind. To this expectation the new village schools owed such vitality as they possessed. The old indigenous elementary schools had been established by particular classes for particular purposes in response to religious or business needs. Their studies were of the humblest and most conservative character. They were not looked on as paths to any particularly desirable employment. The new schools offered fresh possibilities but frequently led to disappointment. A report by J. C. Nesfield, inspector of schools in the North-Western Provinces, quoted in Croft's *Review* for the year 1886,[2] illustrates this aspect of affairs.

"In one school", he writes, "there was a boy of the Kurmi caste, which is one of the most industrious agricultural castes in Upper India. He had passed a very good examination in the highest standard of village schools; after telling him that he had now completed all that a village school could give him, I enquired what occupation he intended to follow. His answer at once was—'Service; what else?' I advised him to revert to agriculture, as there was scarcely any chance of his getting literary employment; but at this piece of advice he seemed to be surprised and even angry. At another school I met a Pasi, a semi-hunting caste, much lower in every respect than that of the Kurmi. He was a boy of quick understanding and had completed the village school course in Nagari as well as Urdu, and could read and write both characters with equal facility. He asked me what he was to do next. I could hardly tell him to go back to pig-rearing, trapping birds, and digging vermin out of the earth for food; and yet I scarcely saw what other opening was in store for him. At another school there was the son of a chuhar, or village sweeper, a caste the lowest of all the castes properly so called. He was asked with others to write an original composition on the comparative advantages of trade and service as a career. He expressed a decided preference for trade. Yet who would enter into mercantile transactions with a sweeper even if a man of that caste could be started in such a calling? Everything that he touches would be considered as polluted; and no one would buy grain or cloth from his shop, if he could buy them from any other. There seems to be no opening in store for this very intelligent youth but that of scavengering, mat-making, trapping, etc., all of which are far below the more cultivated tastes he has acquired by attending school. And in such pursuits he is not likely to evince the same degree of skill or enjoy the same contentment as one who has grown up wholly illiterate. In these and such like ways the attempts made by the government to raise the condition of the masses and place new facilities of self-advancement within their reach, are thwarted by the absence of opportunities and by the caste prejudices of the country."

In all provinces too the admission of low-caste boys into schools attended by the sons of higher-caste Hindus was strongly resented. So powerful was the feeling aroused that the commission of 1882, whose labours will be noticed further on, holding that "no principle, however sound, could be forced on an unwilling society in defiance of their social and religious sentiments", recommended that separate

[1] Chailley, *Administrative Problems of British India*, p. 491; *Interim Report of the Indian Statutory Commission*, p. 37.

[2] Croft, *op. cit.* p. 231.

schools should be opened for low-caste boys wherever they could be induced to attend in sufficient number.[1] The education of the children of the six millions of aborigines who were to be found in Bengal, Bombay and the Central Provinces was left to the missionaries. No one else was inclined to prepare grammars or dictionaries of the non-Aryan languages.

The workers in the great field of public instruction might well ask for time, might well beg that their efforts should not be hag-ridden by impetuosity and constant demands for numerical results. In fact, too, despite all obstacles, education in its broadest sense did progress among the masses as English influences rolled on over the surface of India. The most powerful teacher was the railway which, despite some gloomy prophecies, had attained immediate popularity and necessarily tended to break down the barriers of ages, to stimulate movement, and exchange of thought. In railway carriages Brahmans and Sudras, Muslims and Sikhs, peasants and townsmen sat side by side. As early even as 1867–8 the total number of railway passengers was 13,746,000, of whom 95 per cent. travelled third class. Reflection, observation, interest in the outside world were stimulated; journeys from villages to towns, emigration from India itself became more common; life and property grew more secure; new impulses were given to commerce, to industry and to agriculture. It should not be forgotten that to English capital India owes the sinews of her railway development.[2]

English education advanced rapidly among the literary and professional castes of Hindus. Voyages to England were cheaper and easier, and venturesome youths began to finish their studies in that country. The pioneers of this remarkable movement which has extended rapidly in our own time were four Hindu students of the Calcutta Medical College who, braving social obstacles, embarked for England in March, 1845, under the charge of one of their professors, Dr H. H. Goodeve, were entered as pupils at University College, London, and achieved distinguished success.[3] Thirty years later, recognising the trend of events, a few prominent Muhammadans in the North-Western Provinces under the leadership of Maulvi Sayyid Ahmad Khan, afterwards Sir Sayyid Ahmad Khan, banded themselves together for the purpose of breaking down Muhammadan aversion to Western learning. In 1871 the government of Lord Mayo had initiated measures for this purpose;[4] and now the cause was taken up in earnest by Muslims themselves under the inspiring influence of a vigorous and outstanding personality. In 1871 they began to collect funds; and in 1875 Sayyid Ahmad opened a high school for Muham-

[1] Cf. Hansard, 8 July, 1927, pp. 1638–9.
[2] Marshman, "Indian Railways" (*Quarterly Review*, cxxv, 60).
[3] *Calcutta Review*, XLII, 120; also Banerjee, *A Nation in the Making*, p. 10.
[4] Mahmud, *English Education in India*, chaps. xxiv, xxvii.

madans at Aligarh. In 1878 the school was raised to a second-grade college and affiliated to the Calcutta University. At first Sayyid Ahmad was fiercely opposed by conservative Muhammadans. But, strongly encouraged by the government, he triumphed over all obstacles. Princes and nobles, Muslim and Hindu, offered munificent endowments. Viceroys and lieutenant-governors came forward as benefactors.

While primarily intended for Muhammadans, and insisting on religious instruction for its Muslim students, the Muhammadan Anglo-Oriental College admitted pupils of all faiths, and after ten years of struggle became a highly esteemed seat of education. It started with an English and an Oriental department. In the former all subjects were taught in English, and Arabic, Persian or Sanskrit was taken up as a second language; in the latter either Arabic or Persian literature was studied; history, geography, mathematics, etc. were taught in Urdu, while English was a second language. The commission of 1882 reported that the Oriental department attracted hardly any students. The principal of the college and the headmaster of the school were both Europeans.[1]

The obstacles to the spread of female education have been described in a previous chapter. These had hardly lessened with time and are strong even now.[2] In 1882 it was ascertained that the percentage of girls at school to girls of a school-going age was ·85 for all India, 1·59 for Bombay, 1·50 for Madras, ·80 for Bengal, ·72 for the Panjab and ·28 for the North-Western Provinces. From 1823 to 1851 female education in Bombay had engaged the attention of the missionaries. Then the Parsi and the Hindu merchants of Gujarat had taken the matter up, and their example had been followed by certain Maratha chiefs. Since 1871 the Bombay Government had been endeavouring to collect an efficient staff of female teachers. In Madras, too, missionaries had led the way. Indian societies had followed. In Northern as well as in Southern India, missionary societies were the pioneers and in 1882 were still foremost.[3] But progress was very slow. There was a great dearth of female teachers due to an impression that such a calling could not be pursued by a modest woman.[4]

As the aristocracy and titled classes were disinclined to allow their sons to associate with the scholars and students of government schools, regarding them as their social inferiors, Lord Mayo initiated the establishment of chiefs' colleges, making known to the Rajput nobles in durbar at Ajmer his strong desire to establish in that city a college "for the sons and relatives of the chiefs, nobles, and principal thakurs of Rajputana".[5] A liberal endowment fund was subscribed; the

[1] Mahmud, *op. cit.* pp. 163–4 n.
[2] Cf. *The Statutory Commission's Interim Report*, pp. 150–83.
[3] *Report of* 1882 *Commission*, pp. 525, 535.
[4] Burn, *op. cit.* p. 160.
[5] *Report of* 1882 *Commission*, p. 487.

government gave an equivalent sum, and the Mayo College at Ajmer under carefully selected British principals proved a remarkable success. Similar in character though smaller in scale was the Rajaram College at Kathiawar. Other colleges started special classes for the sons of native chiefs and large landed proprietors. All these innovations were designed to encourage good education, "a healthy tone and manly habits" among the sons of chiefs and nobles. But even so the cadets of aristocratic or opulent families were frequently brought up to lead idle lives.

In struggling to carry out the policy laid down in 1854, the government found it necessary more than once to pause and take stock of conditions and tendencies. This was done by means of commissions appointed with the concurrence of the secretary of state. The first education commission was charged by Lord Ripon's government in 1882 with the duty of enquiring into "the manner in which effect had been given to the principles of the dispatch of 1854, and of suggesting such measures as might seem desirable in order to further carrying out of the policy laid down therein". The principal object of enquiry was to be "the present state of elementary education and the means by which this can everywhere be extended and improved".[1] The general operation of the universities was withdrawn from the field of investigation, but the work carried on in the colleges was to be reviewed. The commission, which was highly officialised, consisted of twenty-two members (British and Indian) under the late Sir William Hunter as president. Nearly 200 witnesses were examined: over 300 memorials were presented: 222 resolutions were passed, 180 unanimously. The main conclusions of the commission were that while higher and secondary education was popular and successful among the middle classes, particularly in Bengal, primary education needed the strongest encouragement and should be declared "that part of the system of public instruction which possesses an almost exclusive claim on provincial revenues". It might well be provided, irrespective of private co-operation, by the state or by the local self-government boards, district and municipal, which were then taking more definite shape and assuming new responsibilities. The means of secondary education, on the other hand, should ordinarily be provided only where local or private co-operation was forthcoming.

The commission was favourably impressed by the results of grants-in-aid in Bengal where for one high school maintained by government there were three, two aided and one unaided, established by private effort, and only a few English middle schools supported wholly by the state. In the hope that, as had happened in England, Western education in India would lead to increased industrialism and therefore to fresh opportunities of employment, it recommended the in-

[1] Resolution of the Government of India, Home Dept. (Education), Nos. 1–60, 3 February, 1882, para. 8.

stitution of school-courses alternative to the established "entrance" course, and including subjects chosen with a view to the requirements of commercial and industrial pursuits. Anxious to de-officialise higher education as far as possible and to render it self-dependent, it advised that all secondary schools should be made over to private management whenever this could be done without lowering the standard or diminishing the supply of instruction, and that the managers of aided schools and colleges should be allowed to charge fees lower than those payable at state schools of the same class. At the same time it urged that, whatever withdrawal there might be from direct supervision of education, there should be none from indirect but efficient control. But "only in cases of extreme necessity" should private schools be interfered with. In effect it recommended that system of cheap, uncontrolled venture schools, which has done so much to lower the standard of education in Bengal.

The commission proposed special measures for encouraging education among Muhammadans. It considered that all elementary schools should be subject to the inspection and supervision of the government's educational officers, but should be made over to the care of district and municipal boards, whose educational responsibilities should be defined by legislation. It pointed out the importance of physical education as well as mental, and considered that although religious teaching must be excluded from the government schools, something should be done, in response to a widespread feeling, to develop the sense of right and wrong in the minds of scholars of all grades.[1] After long debate, it resolved by a narrow majority, (*a*) that an attempt should be made to prepare a moral textbook based upon "the fundamental principles of natural religion" and suitable for use by teachers in all government and other colleges; (*b*) that the principal or one of the professors in each government or aided college should deliver to each college class in every session a series of lectures "on the duties of a man and a citizen". But these suggestions were severely criticised by the various local governments and were rejected by the Government of India and by Lord Kimberley, secretary of state. The general trend of criticism is indicated by the words of Sir Alfred Lyall, lieutenant-governor of the North-Western Provinces. It was, he wrote, no part of the functions of the Government of India to draw up a code or morality, and issue it officially for the instruction of students, since these could hardly be charged with ignorance of the commonly accepted code of civilised communities, or with an acceptance of principles contrary to that code. The objection to instituting courses of lectures on the duties of a man and citizen was that possibly no two professors would agree as to what these duties were; and it was clearly undesirable to introduce into schools and colleges discussions on subjects that opened out a very wide field of debate.[2]

[1] Cf. Croft, *op. cit.* p. 330; Mahmud, *op. cit.* chap. xxii. [2] Croft, *op. cit.* p. 332.

The majority of the commission's recommendations were accepted by the Government of India. In 1886 a Public Services Commission was appointed which divided the educational department into three branches—imperial, provincial and subordinate. The first of these would be recruited in England and called the Indian Educational Service;[1] the second and third would be recruited in India. In effect, while stimulating a devolution of control to local boards and school committees, the government in spite of criticism[2] reduced the British element in both its inspecting and its teaching agencies. The process was carried far in Bengal. In Madras, under the able twelve-years' direction of the late H. B. Grigg, devolution to local bodies worked well. But nowhere else were municipal and district boards disposed to spend much money on elementary education.[3]

The labours of the over-burdened Calcutta University were lightened by the formation of the Panjab University in 1882 and the Allahabad University in 1887. Both were examining bodies. The former differed from its elder sisters in possessing a faculty of Oriental learning and in conducting proficiency and high proficiency examinations in vernacular languages. It owed its origin to a college established at Lahore in 1869 in part fulfilment of the wishes of chiefs, nobles and prominent men of the Panjab and with the aid of their contributions. The Allahabad University developed from a college opened originally in a hired building by Sir William Muir, lieutenant-governor of the North-Western Provinces, in 1872. It awarded degrees to students in affiliated colleges and possessed no faculty of Oriental languages, although Sir William Muir had asked for one. But these provinces already possessed the famous Queen's College at Benares, where Sanskrit was regularly taught by a staff of learned Brahmans; and examinations were held to which students were admitted who came from affiliated institutions situate within and without the provincial boundaries.

Between 1886 and 1901 college students throughout India increased from 11,501 to 23,009, and pupils in secondary schools from 429,093 to 633,728. English games had reached Indian schools and soon achieved popularity.[4] But English professors and inspectors became fewer although Anglo-vernacular schools multiplied in Bengal and increased elsewhere. English was thus more and more taught by men to whom it was a foreign tongue, with results which were highly creditable to the ability and industry of the learners, but unsatisfactory in various respects.[5] In the private venture schools of Bengal teachers were underpaid and teaching suffered. Everywhere education was largely memorisation of textbooks. A century earlier Charles Grant

[1] Seton, *India Office*, p. 144. [2] Chirol, *Indian Unrest*, p. xiv.
[3] Cf. *Report of Calcutta University Commission*, I, 54.
[4] See Satthianadhan, *op. cit.* pp. 284, 289.
[5] Ronaldshay, *Heart of Aryavarta*, chap. i; Sayyid Amir Ali Bilgrami, *English Education in India*, p. 35.

had wisely urged the importance of teaching the principles of mechanics and their application to "agriculture and the useful arts". The authors of the 1854 dispatch had not forgotten this counsel. But the passion for literary courses of study had even then acquired a strong momentum which gathered force as time went on.[1] Outlay on education by the government and local boards rose from 132·82 lakhs of rupees in 1885 to 177·04 lakhs in 1901; but the general tendency to regard schooling simply as a means of qualifying for clerical or professional employment retarded primary instruction among the masses. At this juncture a governor-general arrived who combined enthusiastic idealism with abounding energy and great insight into the details of administration. Fearing no problem, however thorny, he gradually set himself to grapple with the thorniest problem of all.

Toward the close of his third year of office, after examining the whole educational field with elaborate care, Lord Curzon summoned the principal officers of the educational department to meet him at Simla in September, 1901. There he reviewed the situation with characteristic thoroughness and trenchancy, claiming that the successes of imparting English education to India had been immeasurably greater than the mistakes and blunders.[2] Moral and intellectual standards had been raised, and might be raised still higher. But we had started by too slavish an imitation of English models, and had never purged ourselves of that taint. Examinations too had been pushed to an unhealthy excess. Students were being crammed with undigested knowledge. Teachers were obsessed with percentages, passes and tabulated results. The various provincial systems of public instruction were not inspired by unity of aim, and showed misdirection and wastage of force which must be laid to the charge of the central government.

The universities were merely examining bodies. The colleges were for the most part collections of lecture-rooms, class-rooms and laboratories flung far and wide over great provinces, bound to each other by no tie of common feeling and to the university by no tie of filial reverence. Greater unity should be infused into these jarring atoms and higher education should be inspired by nobler ideals. Hostels or boarding-houses should be adequately provided for colleges in large towns and should be subject to systematic inspection. Senates and syndicates should be reformed and converted into business-like bodies containing a sufficiently strong element of experts. Academic standards needed to be raised. Yet he had been invited after Queen Victoria's death to celebrate her memory by lowering examination standards all round. Secondary education presented more encouraging features than university education. The demand for English teaching

[1] Cf. *Report of the Education Commission*, 1882, p. 281.
[2] Cf. Raleigh, *Lord Curzon in India*, pp. 313–39.

was increasing; schools were being started to meet it, and the income from fees therein obtained was rising. On the other hand the middle-class public still attached a superior commercial value to literary courses, which often led to nothing because they had not been sufficiently practical or co-ordinated with technical or commercial instruction in an advanced stage.

Primary education, the teaching of the masses in the vernacular, had shrivelled and pined since the cold breath of Macaulay's rhetoric passed over the field of the Indian languages and textbooks. This was a mistake. Not only did the vernaculars in no way deserve such neglect, for they contained literary treasures; but the greatest of all dangers in India was ignorance. As the masses gained knowledge, so would they be happier and become more useful members of the body politic. Yet we had rushed ahead with English education and left the vernaculars standing at the post. Both were equally the duty and the care of the government; but it must be admitted that the main obstacles to a spread of primary education sprang from the people themselves.

In this part of his speech Lord Curzon hardly did justice to his predecessors. From 1854 onwards the government had endeavoured to encourage the diffusion of knowledge through the vernaculars. This aim had been thwarted by the stolid conservatism of the masses, by the limitations imposed by the caste-system, and by the zeal of the Indian, and especially of the Bengali, middle classes for a Western education that offered new interests, new hopes, and more ambitious prospects. The vernaculars too had not remained stagnant. On the contrary, vernacular prose had profited by English influences.[1]

For technical education, that practical instruction which qualifies a man for the practice of some handicraft or industry or profession, Lord Curzon considered that much more might be done on more business-like principles. Female education, too, was extremely backward. Moderate as was the attendance of boys at school, only one girl attended for every ten boys, and only 2½ per cent. of girls of a school-going age. As regards moral teaching for the young generally, books could do something but teachers could do more. Competent teachers, selected for character and ability, able to maintain discipline and devoted to their work, were the main essential. Religious instruction must be carried on in private institutions only, Christian, Hindu or Muhammadan, which could all be assisted by state grants.

The various provincial governments had in respect of education become "a sort of heptarchy in the land". They needed inspiration by a common principle and direction to a common aim. A measure of the inadequate consideration which had been given to education at headquarters was the fact that it was merely a sub-heading of the work of the home department. Expert advice was needed to prevent

[1] Cf. Ronaldshay, *op. cit.* chap. iii, and *Times Literary Supplement*, 11 February, 1932.

the central government from "drifting about like a deserted hulk on chopping seas". He besought his hearers to realise that they were "handling the life-blood of future generations".

Action followed quickly on speech. The central government declared that education must be a leading charge on the public funds, and began a series of liberal grants to local governments on its behalf. Private generosity and enterprise, the efforts of directors, inspectors and teachers, were strongly stimulated. An inspector-general of education was brought out from England and posted to headquarters. A Universities Commission was appointed; and after much enquiry and deliberation a Universities Bill was framed which became law in 1904 after acute controversy. It was a cautious measure, introducing no radical change, but converting senates and syndicates into more business-like bodies which contained majorities of educational experts, leaving the training of undergraduate students mainly to the colleges, but providing that the universities should themselves conduct post-graduate courses of study. The senates were to tighten up conditions for affiliation of colleges. They were to be responsible for courses, textbooks and standards of examination. They were to propose to the government regulations for the recognition of high schools and were to pay attention to the conditions under which students and schoolboys were working. Vice-chancellors would be appointed by the government; senates were to include directors of public instruction; and in Calcutta the director would be a permanent member of the syndicate. All affiliations and disaffiliations of colleges were to be finally determined by the government; all professors, readers and lecturers must be approved by it; and many details of university policy were made subject to its supervision.

The commission was anxious that minimum fee rates should be fixed for all colleges. This would have done something to restrict the cut-throat competition which was going on in Bengal among managers of private institutions with results disastrous to the youths concerned. But the proposal excited so much clamour that (after Lord Curzon's departure) it was dropped. The commission noted that the universities possessed no machinery for inspecting high schools, and that at Calcutta the syndicate had sometimes insisted on recognising new venture schools "without due regard to the interests of sound education and discipline". It urged that the university should recognise only schools recommended by the department of public instruction, and this advice was in principle adopted in all provinces but Bengal, where it was rejected, after Lord Curzon's departure, because the managers of a large number of unaided schools declined to admit departmental inspectors.

The commission regarded with apprehension the growing neglect of the vernaculars and of Oriental classical languages, for a moral danger was involved. It announced the rather tardy discovery that

the literature of the West had its roots in a past in which Oriental students had no part and was based upon beliefs and ideas which were meaningless to them. It was desirable to promote diversified types of secondary education corresponding with the varying needs of after-life. The government considered that this object would best be attained by instituting a school-leaving certificate based on class-work as well as on a final examination, which would be alternative to the entrance and would be recognised not only by private employers, who were increasingly discounting the value of an entrance pass, but by the government and the universities. It should afford evidence of character and of the general and practical capacity of a candidate.

Lord Curzon did much to broaden the whole basis of higher education, and to initiate technical, industrial and commercial courses. With the assistance of a donation of £30,000 from Mr H. Phipps, an American gentleman, he established an agricultural college at Pusa, in Bihar, which became the parent of similar institutions in other provinces. He improved the chiefs' colleges; he inspired the departments of public instruction with fresh vitality and stimulated private benevolence. But with all his splendid energy, he came twenty years too late. In the 'eighties he would have exercised a far more fruitful and permanent influence on the subsequent course of education. As things were, his very zeal inspired a belief that his real purpose was to curb the increase of the restless English-educated. The cry went forth that reaction was intended. Vested interests in private schools and colleges bitterly protested. The partition of Bengal inflamed the angry suspicion with which his university legislation was viewed in that province and elsewhere.

He left India in November, 1905; and then followed years of political and racial agitation due to various causes. The effect of the Russo-Japanese War on Indian political thought, the gathering-in of some of the harvest of the study of English history and literature, increasing contact with an increasingly democratic Britain, combined with the congested state of the bar, with rising prices which pressed hardly on clerical and professional incomes, with a fast-growing disproportion between applicants for and openings in government service, with ill-disciplined schools and boycott propaganda, to produce in Bengal an unprecedented ferment, which in a minor degree affected the educated classes all over India. Senates, syndicates, colleges, high schools, felt the contagion. Revolutionary literature and teaching were introduced into many of the far-flung, ill-controlled colleges and schools of Bengal with marked effect; racial animosity was constantly preached by press and platform. But while the tide of impatience of British rule was rising among the English-educated, the appetite for Western knowledge rapidly intensified. There was a loud call for more expenditure not only on higher, but also on technical and vocational education. To this demand

the government made strenuous endeavours to respond. In 1910 education was transferred from the supervision of the home department of the central government to a new and separate department. In 1913 Sir Harcourt Butler, the first education member of the governor-general's council, published a resolution laying down carefully considered lines for advance and expansion. Money was to be freely forthcoming; and although the war intervened, expenditure in 1916–17 from imperial, provincial and local funds rose to 614·10 lakhs, more than double the figure of 1906–7. Private enterprise on the part of missionary and other societies, of school and college committees, and of benevolent individuals, swelled the total outlay of 1916–17 to 1128·83 lakhs. Numerical progress was marked in many directions. Sir Henry Sharp's quinquennial review for 1912–17 brings out in no uncertain fashion the persevering efforts of the government to guide and stimulate genuine advance, to broaden the whole basis of public instruction by establishing agricultural colleges, engineering, commercial, weaving, mining, carpentry and leather-work schools. The obstacles, however, were real. Sir Henry Sharp insists strongly on the fact that quality in industrial education must depend upon quality in school-work.[1] And here it is that all the old difficulties were and still are rampant.

Nowhere have these been more clearly or authoritatively defined than in the *Interim (Education) Report of the Statutory Commission* recently published. As the commission points out, it is comparatively easy to vote money and to secure plausible figures of numerical progress in attendance at primary classes. But to spend that money to solid practical advantage in pursuance of a well-directed policy carried out by efficient agencies is not so easy. And to secure that a large increase in numbers of pupils attending primary schools produces a commensurate increase in literacy is harder still, for at present comparatively few of these pupils stay long enough at school to reach a stage in which the attainment of literacy may be expected.

> Under present conditions of rural life, and with the lack of suitable vernacular literature, a child has very little chance of attaining literacy after leaving school; and indeed, even for the literate, there are many chances of relapse into illiteracy. The wastage in the case of girls is even more serious than in the case of boys.[2]

The whole system of secondary education, although in some respects improved, is still dominated by the ideal that every boy who enters a secondary school should prepare himself for the university; "and the immense numbers of failures at matriculation and in the university examinations indicate a great waste of effort". After noticing improvements in the universities, the commission observes:

> But the theory that a university exists mainly, if not solely, to pass students through examinations still finds too large acceptance in India; and we wish that there were more signs that the universities regarded the training of broad-minded,

[1] Sharp, *Review*, p. 155.

[2] *Interim Report*, p. 345. Cf. also pp. 150–83.

tolerant and self-reliant citizens as one of their primary functions. They have been hampered in their work by being over-crowded with students who are not fitted by capacity for university education and of whom many would be far more likely to succeed in other careers.

These words were written ten years after the close of our period. Since January, 1921, education has been entrusted to the charge of ministers in the major provinces. The central government has stood aside. But the old problems are as formidable as ever. As regards financial obstacles, there is no reason to suppose that any parliamentary government in India, government in which one group would compete for popularity with another group, would care to raise money by fresh taxation. But the difficulties are not only financial. On 28 January, 1926, a debate took place in the Legislative Assembly at Delhi on a resolution moved by a private member requesting the central government to investigate unemployment among the middle classes and suggest remedies. The government was told that its duty was "to remove the causes of this discontent and grapple with this evil"; but the most notable contribution to the discussion was the speech of Mr Bipin Chandra Pal, a Bengal nationalist leader, who frankly said that the mentality of the middle classes was very largely the cause of middle-class unemployment. "We must change our social system, we must change our system of education, and we must induce our young men not to avoid, even if they do detest, manual labour. That is the real difficulty." Truer words were never spoken; but the assimilation of such ideas must be a slow and arduous process. The solution of such problems rests with Indians themselves.

A feature of our own times has been the considerable growth in the number of Indian students who finish their education abroad and particularly in Britain. It is improbable that in any year before 1880 there were more than 100 in Europe. In 1894 there were 308; in 1907 there were 780; in 1921 there were 1450; in 1929–30 there were in Great Britain 1761, of whom 583 were entered on the books of the various Inns of Court. The experience of such men, who are able to observe and examine educational and economic problems common to all nations, should be useful to their country. There is plenty of idealism in India. There is the enthusiasm for national or communal advance which in the field of education has led to the foundation of Hindu and Muslim universities. There have been notable and strenuous enterprises such as Dr Rabindranath Tagore's School at Bolpur and Mrs Besant's Central Hindu College at Benares. There is the Christian idealism of the missionaries; and what this can achieve on emergencies is shown by an incident of the war period.

All the staffs and schools of the Punjab University and its colleges sent fewer men to fight than a single middle school of the Belgian Franciscan fathers at Dalwal in the Salt Range, from which nine teachers and 95 boys, practically all who were of age and fit, were enlisted.[1]

[1] Sir Michael O'Dwyer, *India as I knew it*, p. 228.

If a considerable portion of Indian idealism could be perseveringly devoted to village uplift, what might not be achieved? Enthusiasm has often welled up here and there. But it has frequently been spasmodic, impatient of careful deliberation, prone to hurry on rather than to make sure, to accept the show rather than the substance.[1]

"We have now, as it were before us, in that vast congeries of peoples we call India, a long, slow march in uneven stages, through all the centuries from the fifth to the twentieth." As Mr Mayhew writes,[2] the educational system established among these peoples by the British Government is not a natural or free expression of national life. It is a rambling and unfinished house, showing signs everywhere of change of plans during construction, but, with all its defects, habitable and capable at any time of modification and expansion. It has stimulated vitality of all kinds,[3] religious, commercial, social and political. This vitality has brought unrest due, in the words of a Western-educated Hindu, "to the deep-seated reason that people are throbbing with new sensations and groping their way from darkness to light".[4] The writer added that in the darkness Indians could not distinguish friend from foe, but that the day would come when there would be clearer vision.[5]

The system initiated in 1854 has produced a long line of excellent public servants, of writers and public men acquainted not only with the English language but with English ideals and English methods; it has gone far to combat social evils and to develop the industrial and commercial resources of India. In combination with the devoted efforts of the missionaries it has raised the hopes and enlarged the interests of sections of the people formerly sunk in social degradation; it has strongly stimulated the education of women and has opened the way to progressive self-government. On the other hand, it cannot alter the physical facts of India, the blazing sun, the enervating rains, the climate which depresses physical energy, and, in the case of the vast peasant majority, activity of mind. It has failed to spread knowledge far among the masses; and among that comparatively small minority who take readily to education, it has produced numbers of men who, disgusted with meagre rewards for years of laborious study, expect far too much from a government that has always been struggling with a great variety of needs and calls, and has shrunk, as any government of India must always shrink, from imposing fresh taxation. From the first, well-meant efforts produced mixed results, and expenditure was hampered by inadequate resources. Psychological questions of extreme difficulty arose, remained, and have for years

Cf. *Interim Report of Statutory Commission*, chap. xvii.

Education of India, p. 101.

Cf. Bevan, *Thoughts on Indian Discontents*, p. 54.

Gobinda Das, *Hinduism and India*.

Cf. *Report of the Royal Commission on Agriculture in India*, chap. xv; Darling, *Rusticus loquitur*, pp. 9–11, 25, 66, 180, 203.

been greatly aggravated by political influences.[1] In the background all along has been "the eternal mystery of the East", the segregating religious and social traditions of ages. A tendency to revive and multiply the old *patshalas* and *maktabs*, separate schools on a communal basis, is marked in certain provinces to-day.[2] Well might Lord Curzon say: "What the future of Indian education may be neither you nor I can tell. It is the future of the Indian race, in itself the most hazardous though absorbing of speculations". But to that great cause not only high-souled pioneers but numbers of our countrymen, "by the cause which they served unknown", have devoted years of unobtrusive and impersonal activity. "Tantus labor ne sit cassus!"

[1] Cf. Bevan, *op. cit.* pp. 106, 144.
[2] *Interim Report of Statutory Commission*, pp. 199–201.

CHAPTER XX

THE DEVELOPMENT OF THE SERVICES 1858–1918

"AFTER all they are our servants. They are the servants of this government, engaged by this government through the secretary of state to administer British dependencies."[1] These words were spoken of the Indian Civil Service but apply also to the higher ranks of the other public services which throughout the period 1858–1918 constituted the frame of the Indian Government. The present chapter will describe their organisation, trace their history, and describe the circumstances which eventually overshadowed their prospects.

The Indian Civil Service was formerly known as the covenanted civil service because its members entered into covenants originally with the East India Company and afterwards with the secretary of state in council. It provides officers who fill those posts of general supervision which are commonly known as "superior", both in the general executive administration of British India, and in the administration of justice. Its members also fill the higher posts in the government secretariats, in the political or diplomatic service (along with officers of the Indian Army), and in other departments. Some are nominated to serve on the various legislative councils. All first learn their work in lower administrative posts.

The service derives its constitution from various acts of parliament. Developed originally out of the establishment of junior and senior merchants, factors and writers employed for purposes of trade by the East India Company, it first received statutory recognition in the East India Company Charter Act of 1793 which provided that "all vacancies happening in any of the offices, places or employments in the civil line of the Company's service in India should, subject to certain specified restrictions, be filled from among the Company's civil servants". At first recruits underwent no period of probation or training; then in 1800 Wellesley founded a college at Calcutta where young civil servants were to be instructed in literature, science and Oriental languages. By his famous minute of 10 July, 1800, this great governor-general put an end to "the loose and irregular system" which he found in existence and marked out a fresh course to the great benefit of posterity. Finally in 1806 the Company established an "East India College" at Haileybury for the training for two years of youths who had received nominations.[2] Admission lay with the directors who,

[1] Speech by Mr Acland in the House of Commons, Hansard, 15 June, 1922, p. 624.
[2] *Memorials of Haileybury College*, p. 17.

as a matter of courtesy, made over a proportion of nominations to the Board of Control. Wellesley's Calcutta college survived till 1854 as a language school for Bengal civil servants. In 1853, when the maximum age for admission to Haileybury was twenty-one, the question of the renewal of the East India Company's charter came before parliament for the last time. Among other changes proposed by the president of the Board of Control, Sir Charles Wood, was the introduction of open competition, "a great experiment which would justify itself by securing intellectual superiority while affording as good a chance as then existed of obtaining in successful candidates those qualities which no examination can test".[1] Wood was warmly supported by Macaulay, who urged in the House of Commons[2] that even the character of the governor-general was less important than the character and spirit of the servants by whom the administration of India was carried on; and parliament resolved that admission to Haileybury and to the covenanted civil service should be open to all natural-born subjects of Her Majesty, whether European, Indian, or men of mixed race, who could establish their claim by success in competitive examinations held in England under regulations framed by the Board of Control. That body, advised by a distinguished committee presided over by Macaulay, decided that endeavours should be made to secure candidates between eighteen and twenty-three years of age who had received the best and most liberal education obtainable in this country. Successful candidates were to pass through a period of probation before appointment. The first batch went to Haileybury; but this fine college was soon considered to have served its purpose and was closed by an act of 1855 with effect from 31 January, 1858, when the Mutiny was in full swing. By section 32 of the Government of India Act of 1858 the power of regulating appointments to the Indian Civil Service was made over to the secretary of state in council who would act with the advice and assistance of Her Majesty's civil service commissioners. The competitive principle was reaffirmed. In 1859 the maximum age for admission was lowered to twenty-two and a year's probation in England was prescribed for selected candidates.[3]

On 6 June, 1861, Wood, now secretary of state for India, introduced a measure which became law under the title of the Indian Civil Service Act of 1861 (24 & 25 Vic. c. 54). Its object was to legalise certain appointments to civil posts which had in the past been made in contravention of the act of 1793. Annexations of territories, growth in population, increasing resort to the law courts, had compelled the appointment of military officers, domiciled Europeans, Eurasians and Indians, to posts which, under the statute of 1793, should have been

[1] Hansard, 3 June, 1853, CXXVII, 1158. [2] *Idem*, 24 June, 1853, CXXVIII, 745.

[3] See p. 13, *Selection and Training of Candidates for the Indian Civil Service* (H.M. Stationery Office), 1876.

held by covenanted civil servants.[1] Such appointments must now be legalised and should be legally permissible in future. Lord Stanley, Wood's predecessor in office, supported this proposal but emphasised[2] the importance of not diminishing the value of appointments to the civil service to such an extent as to deter men of intelligence and ability from joining it and thus raising men less intelligent and able "to a position in life to which they were not equal". Neither must there be openings for jobbery. Parliament decided that the bill should include a schedule of offices reserved exclusively for civil servants except in cases where the governor-general in council, for special reasons, desired to appoint other persons who must have resided in India for at least seven years. These exceptional appointments would require confirmation by the secretary of state and a majority of his council called together to consider each case. Parliament, at the same time, declared its adherence to the principle laid down by the Charter Act of 1833, and reiterated in Queen Victoria's proclamation of 1858, that "no native of India by reason only of religion, place of birth, descent, colour, or any of them, would be disabled from holding any office or employment under the Company".

The appointments entered in the schedule of the statute of 1861 as exclusively reserved for covenanted civil servants were almost entirely posts in the older or regulation provinces; but later orders, passed in 1876 by the secretary of state in council, directed that the privileges conferred by statute in regulation provinces should be extended *mutatis mutandis* to non-regulation provinces also.[3]

At first no fee was charged for admission to competitions for the Indian Civil Service. British competitors gradually increased. From 1866 the maximum age for admission was lowered to twenty-one, and probationers passed through a special two-years' course at an approved university. The total number of competitors rose from 154 for eighty vacancies in 1860 to 284 for fifty-two vacancies in 1865, and 325 for forty vacancies in 1870. In that year there were seven Indian competitors, of whom one was successful. In 1869 three Indians had been successful, all Bengalis. Indian aspirants had in those days to brave serious social obstacles in their own country. The late Sir Surendranath Banerjee, who competed in 1869, observes in his memoirs:

> I started for England on March 3, 1868 with Romesh Chandar Dutt and Bihari Lal Gupta. We were all young, in our teens, and a visit to England was a more serious affair then than it is now. It not only meant absence from home and those near and dear to one for a number of years, but there was the grim prospect of social ostracism, which for all practical purposes has now happily passed away. We all three had to make our arrangements in secret, as if we were engaged in some nefarious plot of which the world should know nothing.[4]

In such circumstances Indians were naturally very slow to come forward. The pioneers were Hindus and belonged to the "English-

[1] Hansard, CLXIII, 652–9.
[2] *Idem*, CLXIII, 665–6.
[3] Cf. pp. 76–7, *supra*.
[4] Banerjee, *A Nation in the Making*, p. 10.

educated" class in the presidency provinces which contained the great seaports. The paucity of candidates caused searchings of heart among the members of John Lawrence's government, which established nine scholarships in 1868, each of the annual value of £200, tenable in Great Britain, with a view to encourage natives of India "to resort more freely to England for the purpose of perfecting their education, and of studying for the various learned professions or for the civil and other services in India". The scholarships were to be awarded partly on the results of competition and partly on nomination of duly qualified persons. This somewhat paltry expedient did not commend itself to the Duke of Argyll who was then secretary of state.

He was, however, seriously concerned at the failure of the existing system to make good the pledges of 1833 and 1858, and stated in parliament on 11 March, 1869, that he had always felt that the competitive system, as by law established, rendered nugatory the promises of 1833.[1] Lord Houghton observed that the declaration, which stated that the government of India would be conducted without reference to differences of race, was magnificent but had hitherto been futile;[2] and the duke replied that while the queen's proclamation of 1858 contained declarations of principle which had been found exceedingly inconvenient in practice and had been quoted against us in cases to which they were not meant to apply, the pledges of 1833 must be honoured as far as possible. Eventually it was provided by section 6 of the Government of India Act of 1870 (33 Vic. c. 3) that nothing in any act of parliament or other law now in force in India

> should restrain the authorities...by whom appointments were made to offices, places and employments in the covenanted civil service, from appointing a native of India to any such place, office or employment although such native should not have been admitted to the civil service in the manner already prescribed by law.

Appointments of this kind would, however, be subject to such rules as might be from time to time prescribed by the governor-general in council and sanctioned by the secretary of state in council with the concurrence of a majority of members present. For the purpose of this act the words "natives of India" would include any person born or domiciled within Her Majesty's dominions in India and not established there for temporary purposes only; and "the governor-general in council would define and limit from time to time the qualifications of natives of India thus expressed".

Some years elapsed before agreement was reached between the Indian and the home authorities as to the rules which were requisite to give effect to this section. The former desired to prescribe a term of government service in the higher ranks of subordinate employ as the main qualification of such appointments; the latter wished to

[1] Hansard, cxciv, 1060. [2] *Idem*, cxciv, 1079.

interpret the statute in a broader sense. In 1875 revised rules were drawn up by Lord Northbrook's government and were sanctioned in London as a tentative measure. But these proved unsatisfactory and gave place to other rules framed by Lord Lytton's government, which ordained that a proportion not exceeding one-sixth of the total number of covenanted civil servants appointed in any year by the secretary of state should be natives selected in India by the local governments subject to the approval of the governor-general in council. Selected candidates should, save in exceptional circumstances, be on probation for two years. In a resolution, dated 24 December, 1879, the Government of India stated that appointments under the rules would generally be confined to

> young men of good family and social position possessed of fair abilities and education, to whom the offices which were open to them in the uncovenanted service had not proved sufficient inducement to come forward for employment.

The nominees were called "statutory civil servants". Sixty-nine were nominated in after years, but, generally speaking, did not possess sufficient educational qualifications and were often found unequal to their responsibilities.

Below the covenanted was a large "uncovenanted" civil service. This term was purely technical. It excluded military officers in civil employ and embraced the very large number of public servants recruited in India, who filled executive and judicial charges not occupied by military officers or reserved for members of the covenanted civil service. The service came so far down in the administrative scale that the term "uncovenanted" was often employed in a derogatory sense. Its members in the regulation provinces were almost entirely debarred from admission to posts usually held by members of the Indian Civil Service. But in the non-regulation provinces some uncovenanted officers of British descent were, like military officers, employed alongside of covenanted civil servants. They were selected either because the tracts in question were in a disturbed state and unfit for methods of long-established administration, or on account of their peculiar knowledge and experience. Except in matters of pension they were treated practically on an equality with their covenanted colleagues, but were debarred by the operation of the statute of 1861 from holding the posts of secretary and junior secretary to the local government and were in practice very seldom appointed to the highest judicial offices. As the country became more and more settled, the practice of appointing military and uncovenanted officers to higher posts ordinarily held by covenanted civil servants fell into disuse; and in 1876 it was definitely abandoned in the case of Oudh, the Central Provinces, non-regulation areas in Bengal, and the North-Western Provinces. It was abolished in Sind in 1885, in the Panjab in 1903, and in Assam in 1907.

A small minority of the large number of uncovenanted civil servants held superior posts. The majority consisted of natives of India recruited in the various provinces by the local governments under a system of nomination, tempered in some cases by qualifying examinations and probationary periods. Candidates for executive appointments had to possess minimum educational qualifications attested by certificates of success in examinations conducted by universities or the educational departments. Candidates for the judicial line had to be either bachelors of law of some university or accredited pleaders or advocates.

In 1853 it had been stated in the House of Commons that the universal rule and practice in Indian administration was "native agency and European superintendence".[1] This was still the practice between 1858 and 1886; but all the time Western education was spreading, and with its expansion was teaching Indians to feel their way toward higher spheres and to complain because the ways of approach were narrow.

An illuminating account of the early history of the police is contained in the report of the commission appointed by Lord Curzon's government in 1902. The organisation of the force in the various provinces within our period was the result of a comprehensive enquiry made in 1860 by a committee appointed by the Government of India which embodied its recommendations, where approved, in various acts of the governor-general's legislative council. The force was to receive a semi-military training from its officers and was to be subject to general control by the district magistrates and the local governments. It was charged with the maintenance of law and order and the detection of crime. Its chief officers in each province would be inspector-generals assisted by two or more deputies, and their subordinates would be district superintendents and assistant superintendents. The force was soon established; the district superintendents were invariably British, and in the more important charges were given British assistant superintendents. For some years the higher grades of the force were mainly recruited from the commissioned ranks of the army; but this practice was repugnant to the military authorities, and gradually gave place to recruitment in India by nomination. But from the year 1893 the superior ranks were recruited mainly in England by competitive examination for which Europeans alone were eligible, and in a minor degree by appointments in India under a combined system of nomination and examination which included Indians. The age of admission in England was seventeen to nineteen.

Up to the year 1870 engineers for the public works department had been furnished from the corps of the Royal Engineers, from civil engineers appointed in England[2] after competitive examination or

[1] Sir J. W. Hogg, Hansard, 3 June, 1853, CXXVIII, 1270.
[2] Cf. *Imperial Gazetteer of India*, IV, 319.

special selection, and from qualified students of Indian engineering colleges. The Thomason College at Rurki, opened in 1848, began to furnish engineers to the department in 1850. The Poona Civil Engineering College, established in 1854 for the education of subordinates for the Bombay public works department, developed in 1865 into a college of science at Poona affiliated to the Bombay University and educating candidates for an engineering degree. The Madras Civil Engineering College, affiliated to the Madras University in 1877, also prepared students for engineering degrees. In England the Royal Engineering College at Cooper's Hill was established in 1871 for the education of civil engineers for service in the Indian public works department. The age of admission was seventeen to twenty-one, and the course lasted three years. As students began to pass out of Cooper's Hill in sufficient numbers, the recruitment of civil engineers from other sources gradually ceased in England. In 1876 Lord Salisbury, then secretary of state, wrote that, as the European portion of the superior public works establishments was provided through Cooper's Hill, the Indian engineering colleges might be regarded as particularly intended for natives of India. Eventually it was decided that of thirty recruits appointed in 1885, 1886 and 1887, nine were to be taken from Indian colleges, fifteen from Cooper's Hill, and six from the Royal Engineers.

The work of the public works department was distributed among three branches: (*a*) "General" which was subdivided into "Roads and Buildings" and "Irrigation", (*b*) State Railways and (*c*) Accounts. Each branch included an upper and a lower subordinate establishment.

The finance department was directly controlled by the Government of India. Officers of its superior staff were liable for employment in any province. The functions of the department were to bring to account and audit the expenditure of all branches of the civil administration and to deal with questions relating to paper currency, loan operations and coinage. The nine accountants-general of provinces were treasurers of charitable endowments and responsible for the proper check by officers of their department of the accounts of such local bodies as district and municipal boards. They further supervised the movements of funds from one district treasury to another; and were themselves subordinate to a comptroller and auditor-general. The whole superior staff of the department numbered 172. Below this staff were chief superintendents and chief accountants. Up to the year 1899, while the higher posts were generally filled by trained members of the Indian Civil Service, the remainder were filled wholly in India. Then it was found that the local supply of suitably qualified Europeans and Eurasians was insufficient, and it was decided that at least four out of nine vacancies should be filled by recruitment in England. In 1909 it was arranged that half the vacancies should be reserved for natives of India.

In 1847 Dr Gibson was appointed conservator of forests in Bombay, and in 1856 Dr Cleghorn received a similar appointment in Madras; but although both these officers impressed on their governments the physical value of the forests and the necessity of carefully preventing denudation of the hills in the interest of the water supply of the country, forest conservancy was for some time regarded mainly as a direct source of revenue to the state.[1] After the annexation of Pegu, however, Lord Dalhousie, seeing that fine forests stood in danger of reckless spoliation by private individuals, inaugurated a preventive policy. In 1856 Dietrich Brandis was summoned from Germany to be superintendent of forests in Pegu and remained there till 1862, organising forest management. He was then placed on special duty to do the same in India, and in 1864 was appointed inspector-general of forests to the central government. To him and to his successors and pupils, Schlich and Ribbentrop, is due primarily the credit of organising the forest department, and the introduction of methods of management adopted from the best European schools.

In 1865 the first Indian Forest Act was planned to provide for the protection and efficient management of the government forests. In 1866 Brandis proceeded to England to arrange for the recruitment of forest officers who were to be trained in the schools of France and Germany, where scientific forestry was far more advanced than it was in England. From 1885 to 1905 forest probationers studied at Cooper's Hill, supplementing their courses by continental tours. Up to 1905 they were selected by competitive examination; but from 1905 onward, candidates for examination failing, appointments were made by a selection committee appointed by the India Office. The forest department was controlled by conservators (chief officers of provinces or parts of provinces), deputy-conservators in charge of forest divisions, and assistant conservators of two grades in charge of forest subdivisions. All these officers were British and under them was an Indian executive staff consisting of sub-assistant conservators, rangers, foresters and forest guards. The management of forests was committed to the local governments, but the head of the department was the inspector-general for the Government of India.

The growth of the department of public instruction has already been traced.[2] The control of other departments (jail, postal, telegraphs, survey, salt, excise, opium, meteorological, registration, archaeological, customs, mint, geological survey, agricultural) rested in British hands. Generally speaking these departments were recruited in India; but they were often presided over by an officer selected from one of the services recruited in England. We must pass on to that distinguished service which has been truly called the pivot of all the others.[3]

[1] *Imp. Gaz.* III, 107–8. [2] P. 336, *supra*.
[3] Speech by Mr Montagu to the British Medical Association.

The Indian Medical Service was primarily military, but lent a large proportion of its officers to the civil administration. In times of emergency these officers could be recalled to military duty; and during the war few were left in civil employ. Medical officers in civil employ were responsible for the administration and inspection of the hospitals and dispensaries established in every district, for medico-legal work connected with the administration of justice, for attendance on government servants and for examination of candidates for public employment. They were also responsible for jails and the care of the public health. Each province possessed its inspector-general of civil hospitals or surgeon-general, and its inspector-general of jails, who were always selected officers of the Indian Medical Service. These provincial chiefs worked under the local governments, subject to the supervision of a director-general who was posted to the headquarters of the central government. Under the inspectors-general of civil hospitals and surgeons-general were the "civil surgeons", one of whom in each district presided over a staff of assistant and sub-assistant surgeons. Working mainly through these civil surgeons, the Indian Medical Service not only gallantly combated many a devastating epidemic, but educated India in the preservation of public health and in the theory and practice of Western medicine. Its officers have prevented immeasurable suffering and saved countless lives. "No less than 34 have gained the blue ribbon of the scientific world, the fellowship of the Royal Society."[1]

The statutory civil service had proved a failure as a means of admitting Indians to the higher services. It seemed probable that as years went on and contact between India and England increased, more Indians would enter the civil service through the door of the competitive examination in London. As regards British personnel, the competitive system had proved a conspicuous success. The average yearly number of candidates had fallen decidedly after 1870, partly perhaps in consequence of the legislation of that year already mentioned, but principally because from 1871 onwards an examination fee of £5 was demanded of every candidate. Up to that year no fee had been claimed. In their seventeenth annual report the civil service commissioners stated that the diminution was "not so much in the class of competitors as in the number, previously considerable, of those who presented themselves without sufficient preparation to warrant any hope of success". In 1878 the maximum limit of age for admission was reduced to nineteen, and the probationary period was fixed at two years to be spent in some university or college approved by the secretary of state. The object of the change was to bring selected candidates earlier to their life's work. All along the question was how to attract the best men possible and how best to fit them for active duties. It was, however, soon apparent that the lower age limits

[1] *Report of the Committee on the reorganisation of the Indian Medical Services*, 1919, p. 19.

pressed hardly on Indian candidates, and the age was raised to 21–23 from 1892 to 1905, and to 22–24 from 1906 onwards. When the last change was made the examination was amalgamated with that for the home civil service, successful candidates being allowed to state their preference for either. Throughout the period 1871 to 1914 the total number of competitors remained fairly constant while the Indian contingent increased very slowly, as is evident from the following figures:

Year	Vacancies	Candidates	Indian candidates	Successful Indians
1870	40	332	7	1
1880	27	182	2	0
1890	47	205	10	5
1900	52	213	17	2
1910	60	184	20	1
1914	53	183	26	7

The highest number of candidates in any year between 1871 and 1914 was 237 for 68 vacancies in 1897.[1]

In December, 1885, the first Indian National Congress met at Bombay and demanded that simultaneous examinations should be established in India and in England for admission to the covenanted civil service. The demand arose from the Hindu and Parsi professional and literary classes. The Muhammadans, as a community, were for years strongly opposed to it. Conscious of their inferiority to the Hindus in numbers, wealth and education, they regarded the congress as aiming in fact at the establishment of a Hindu monopoly of posts and power. Sayyid Ahmad, their leader, expressed his views in trenchant language:

> If government want to give over the internal rule of the country from its own hands into those of the people of India, then we will present a petition that, before doing so, she pass a law of competitive examination, namely that that nation which passes first in this competition be given the rule of the country; but that in this competition we be given the pen of our ancestors which is in fact the true pen for writing the decrees of sovereignty.[2]

In order to find a solution for the problem Lord Dufferin's government in 1886 appointed a public services commission under Sir Charles Aitchison, lieutenant-governor of the Panjab. The fifteen members included four Hindu and two Muhammadan gentlemen of high status. Of the British members five belonged to the covenanted civil service, one to the uncovenanted civil service, two were British non-officials, and one had been chief justice of the Madras High Court of Judicature. Broadly speaking, the object of this commission was to devise a scheme which might reasonably be "hoped to possess the necessary elements of finality and to do full justice to the claims of natives of

[1] I am indebted to the civil service commissioners for this information.

[2] *Speeches and letters of Sir Saiyid Ahmad*, Pioneer Press, Allahabad, 1888; Mahmud, *British Education in India*, chap. xxx.

India to higher and more extensive employment in the public service". The commission rejected the idea of altering the system of admission to the covenanted civil service. It had been understood that the entrance examination was to bear a distinctly English character, and to constitute a test of English qualifications. The most natural arrangement, therefore, was that this examination should be held in England, the centre of the educational system on which it was based. The commission advised abolition of the system of filling appointments by means of the statutory civil service which had failed to fulfil the expectations anticipated from it and was "condemned for sufficiently good reasons not only by particular sections of the native community but also by the very large majority of officials, both European and native, who had enjoyed practical experience of its workings". The attempt to confine the selection to young men of rank and to attract to the service men combining high social position with the requisite educational and intellectual qualifications had failed. A similar result would almost necessarily follow upon any attempt "to engraft on a superior and imported service recruited in such a manner as to secure the highest possible English qualifications a system based on other principles and designed to meet a wholly different object". The commission proposed to reduce the list of scheduled posts reserved by the act of 1861 for members of the covenanted civil service and to transfer a certain number of these posts to a local service which would be called "the provincial civil service" and would be separately recruited in every province. Appointments to the transferred judicial posts would be on account of merit and ability proved either in the public service or in practice at the Indian bar; appointments to executive offices would be on account of exceptional merit and ability already shown in the public service. The services would no longer be termed covenanted and uncovenanted but imperial and provincial. Below the provincial service would be a "subordinate civil service" from which it would be partly recruited. But its executive branch would also be recruited by competitive examination, wherever not inexpedient, and its judicial branch would be largely filled by selected barristers, advocates or pleaders. The salaries of members of the provincial civil service would be fixed on independent grounds, and would have no relation to those attached to appointments in the imperial civil service. The commission suggested the formation, where possible, of a provincial branch in each department of the public service, public works, police, forests and the rest. Substantial effect was given to this scheme, the secretary of state directing that the covenanted civil service should be known in future as "the Civil Service of India" and that each branch of the provincial civil service should be called by the name of the particular province to which it belonged.[1] A certain proportion of

[1] Dispatch, 12 September, 1889.

public offices reserved for the civil service of India and afterwards termed "listed posts", would in each province be entered on a list as open to the new provincial service. Rules must be framed and issued, under sanction of the secretary of state, which would empower local governments to bestow any listed post upon a native of India. All this was done; and the local governments were ordered to fill one-sixth of the offices hitherto reserved for the Indian Civil Service with provincial servants when the claims of existing statutory civil servants had been satisfied. The number of civil servants recruited in England had already been reduced so as not to fill more than five-sixths of the reserved appointments. After consulting the local governments the Government of India decided to list ninety-three posts, this figure being considered suitable for meeting reasonable requirements. It would be worked up to after satisfying the claims of officers already in the service and would be liable to expansion.

Thirty years later another public services commission stated that the reforms recommended by their predecessors in 1886, while failing to satisfy Indian aspirations for employment of the higher type, "had undoubtedly resulted in a great improvement in the standard of every service". Generally speaking, officers promoted from the provincial civil services to hold Indian Civil Service posts had done efficient work. But

> the inferiority of status and social position which had always been attached to the provincial services, aggravated to some extent by subsequent changes, had been felt by the Indian public as a real grievance, particularly in the case of the more important services such as the civil, educational and public works.

The Government of India had just completed reorganisation of the public services in accordance with the orders finally passed on the recommendations of the commission of 1886–7, when on 22 June, 1893, they were requested by Lord Kimberley, then secretary of state, to consider a resolution passed by the House of Commons on the 2nd of that month in favour of the establishment of simultaneous examinations in England and India for admission to the Indian Civil Service, all competitors "to be finally classed in one list according to merit". In transmitting the resolution to India, Lord Kimberley pointed out the necessity of always retaining an adequate number of Europeans in the service. Lord Lansdowne's government replied on the 1st of the following November, after consulting the provincial administrations. Their letter, which was laid before parliament,[1] dealt fully and frankly with the important issues involved. Quoting the opinions of notable administrators, they maintained that material reduction of the European staff then employed was incompatible with the safety of British rule.

[1] *Parl. Papers*, 1894, *Accounts* (10), LX, 1–110.

Sir Charles Crosthwaite, lieutenant-governor of the North-Western Provinces, had observed:

It is a great mistake to suppose that British India has arrived at a stage where nothing but smooth progress need be anticipated, or to think that the principles of law and order have penetrated the minds of the people so deeply that the English element in the civil government may be safely diminished. We know little of what is below the surface; but we know enough, even without the teaching of recent events here, in Bombay, and in Rangoon, to be sure that this is not a true estimate of the situation. It is instructive to observe that during the late riots in Bombay native papers like the *Hindu Patriot*, while demanding in one column a larger share of administrative appointments for their fellow-countrymen, were calling out in another column of the same issue against the government for not having more European police officers in Bombay. What is desired by them is that the British Government should hold the country, while they administer it.[1]

The writer laid stress on the existence of strong Muhammadan opposition to any such arrangement. Sir Dennis Fitzpatrick, lieutenant-governor of the Panjab, had said:

British rule brought this country out of a state of chaos, the horrors of which it would be difficult for a stay-at-home resident of Europe in the nineteenth century adequately to realise, and if the grasp of the British power were relaxed even for a brief moment over any part of the country, chaos with all its horrors would come again. Englishmen, even Englishmen who spend their lives in India, are not given to reflecting much on this; and I doubt whether many natives of the country nowadays think of it though it was a good deal present to the minds of the people of the Punjab when I first came to India. The fact is that we have now had 35 years of internal peace unbroken except by petty local disturbances, and we have begun to flatter ourselves into the belief that our position in this country is absolutely unassailable; but as a matter of fact it is not so. It is, and always will be, liable to disastrous shocks from which it might take a long time to recover; and although this is not a pleasant subject of reflection to us, with our national vanity and our tendency to optimism, the more completely we realise it the better.

The writer pointed out that apart from the danger of religious riots there were always to be found in many parts of India predatory classes ready to break out whenever British administration might be temporarily relaxed or British control disorganised. He observed that it was a mistake to suppose that the substitution of Indian for British administrators would be popular with the masses; its popularity would be limited to the advanced Indians, a small fraction of the population.[2]

Lord Lansdowne's government reported that the government of Madras alone advocated the principle of the resolution, observing that in special emergencies, local disturbances and the like, Indians entering the civil service might possibly be found wanting, but the mischief thus arising could in present circumstances quickly be repaired. "This", said the Government of India, "might represent the state of things in the tranquil province of Madras, but the conditions of other parts of India were far different." They went on to urge that a

[1] *Parl. Papers*, 1894, *Accounts* (10), LX, 39.
[2] *Idem*, pp. 42–55. Cf. Mahmud, *History of English Education in India*, pp. 182–7.

system of unrestricted competition in examination would not only dangerously weaken the British element in the civil service but would also practically exclude from the service Muhammadans, Sikhs and other races accustomed to rule by tradition and possessed of exceptional strength of character, but deficient in literary education. The natives, moreover, of one part of India would from their dispositions, ways and habits, be ill-fitted to discharge the duties of civil officers in another part. As far as Indians generally were concerned, probation by actual employment formed a competitive examination of the best kind. Much misapprehension apparently prevailed as to the extent to which natives of India were already employed in responsible executive and judicial offices. Taking the years 1870, 1881 and 1893 as convenient points from which the progress of the scheme for the more liberal employment of Indians could be reviewed, the first because it was the year when recruitment for the Indian Civil Service was reduced by one-sixth, the following figures were significant:

	1870	1881	1893
The Covenanted[1] *Civil Service*	1870	1881	1893
(1) Covenanted Civilians	890	900	898
(2) Military, Uncovenanted and Statutory Civilians	331	221	216
Total	1221	1121	1114
The Provincial Service			
(1) Executive Branch	576	726	1030
(2) Judicial Branch	583	679	797
Total	1159	1405	1827
The Subordinate Service	962	1368	1908

It must be remembered that between 1881 and 1893 the annexation of Upper Burma had entailed a considerable demand for covenanted officers, and that the inevitable increase of public business which had occurred in twenty-three years had called for reinforcements in almost every branch of the administration; yet the whole strength of the covenanted service (including military and uncovenanted and "statutory" civilians, holding covenanted posts) was now seven less than in the former year and 107 less than in 1870. The number of covenanted civil servants would have been further reduced but for a process, which had been going on since 1870, of substituting, in the interests of greater efficiency, covenanted for military and uncovenanted officers in the non-regulation provinces. The European service was now at its minimum strength, and no further reduction would be practicable for some years to come. In the event, however, of experience showing that in any province, at any time, the number of high Indian officers might safely be increased, the best course would be to proceed under the statute of 1870 and on the lines of the changes recently accomplished. Seventy-four of the 898 covenanted civil

[1] I.e. Imperial.

servants were employed in special departments not concerned with the general judicial and executive administration of the country; ninety-three covenanted posts had just been assigned to the provincial service; thus the cadre of posts at present reserved for Indian civil servants and military officers was only 731. In the frontier provinces, the Panjab, Burma and Assam, one-fourth of the covenanted posts were reserved for military officers of special experience. On the quality of this small number of men depended the quiet and orderly government of 217½ millions of people, inhabiting 943,000 square miles of territory. Upon these men, and not immediately on military force, British rule rested.[1]

The views expressed in this dispatch prevailed with Her Majesty's government. The secretary of state, Mr H. H. Fowler, decided that by far the best way of meeting the legitimate claims and aspirations of Indians was to bestow such of the higher posts as could be made available for them "on those who distinguish themselves by their capacity and trustworthiness in the performance of subordinate duties". There were insuperable objections to the establishment of a system of simultaneous examinations.[2]

Early in the 'nineties an increasing fall in the exchange value of the rupee necessitated the consideration of measures for the reform of the currency and inflicted considerable hardship upon European officers in the imperial services. In 1893 the government of Lord Lansdowne, with the consent of the secretary of state, deciding that a remedy must be applied, ordered that exchange compensation allowance should be paid to every European and Anglo-Indian officer of the government, not being a statutory native of India, to be calculated on the difference between the gold value of half his salary at the market rate of exchange and its value at a privileged rate, which for the time was fixed at 1*s.* 6*d.* per rupee, and was limited to a sum not exceeding in any quarter the amount of rupees by which £250 converted at the privileged rate fell short of the equivalent of £250 converted at a market rate. In time the exchange value of the rupee settled down to 1*s.* 4*d.* approximately, so the concession represented an addition of 6¼ per cent. to all salaries of Rs. 2222 a month and under. To salaries in excess of this amount a fixed monthly addition of Rs. 138. 14. 3 was made. The whole arrangement went some way, but only some way, to relieve the growing difficulties which a falling rupee and rising prices were bringing to those numerous servants of the government who were under the necessity of making regular remittances to England for the maintenance of their families.

In the period 1894–1905 the work of the services became increasingly complex and arduous. The population of India was fast rising; trade and commerce were growing; education was extending; contact with England was increasing; political agitation was beginning to produce

[1] *Parl. Papers*, 1894, *Accounts* (10), LX, 5–6. [2] Public Dispatch, 19 April, 1894.

unrest. India was visited with devastating plague epidemics and attacked by three famines, one resulting from a drought of an extent and intensity unknown for two centuries. The services responded keenly to the needs of difficult occasions and to the quickening influence of Lord Curzon's ardent spirit.

He regarded police reform as "one of the most urgent needs of Indian administration".[1] With the approval of the secretary of state, his government on 9 July, 1902, appointed a commission which was presided over by the late Sir Andrew Fraser and reported on 30 May, 1903, that throughout India the police-force was in a most unsatisfactory condition and that abuses were common everywhere, involving injury to the people and discredit to the government. Radical reforms were urgently necessary and would be costly because the department had hitherto been starved.

The commissioners unanimously recommended that the pay of all ranks should be raised. It was impossible to expect honest and faithful service from low-paid inspectors and constables subject to great temptations. It was equally futile to attract high-class recruits from England for the higher grades, by the offer of meagre salaries and prospects. After considering this and other beneficial suggestions, the Government of India decreed on 21 March, 1905, that in future the force should consist of an imperial branch recruited in Europe and provincial branches recruited in India. The former would be known as the "Indian Police Service". It was intended for supervision and would contain only so many officers as were required to fill the superintendentships of the districts and posts of equivalent or higher standing, and to supply a leave and training reserve of assistant superintendents. Provincial services of deputy-superintendents would be recruited to carry on the less important duties of administration. Promotion from them to superintendentships in the Indian Police Service would only be given as a reward for special merit to selected individuals. The ordinary method of recruitment for the Indian Police Service would be by competitive examination in London. Candidates must be above nineteen and under twenty-one years of age. Every candidate must be a British subject of European descent, and at the time of his birth his father must have been a British subject either natural-born or naturalised in the United Kingdom. In exceptional cases, on the special recommendation of a local government, the governor-general in council could make direct appointments to the police service from amongst Europeans domiciled in India, including those of mixed descent, subject to the condition that the candidate put forward had attained an adequate standard of educational qualifications. This power, however, was seldom exercised. Candidates successful in the competitive examination in England would leave that country at once for India where they would undergo

[1] Fourth Budget Speech, Raleigh, *Curzon in India*, p. 104.

two years of probation and training. After successfully passing through this ordeal they would be posted to district work.

The police-force and its armed reserves were increased, in order to render them more capable of preserving internal peace if the country were at war. A "Department of Criminal Intelligence" was created which was charged with the duty of investigating special forms of crime, including political offences, and took the place of the obsolete "Thagi and Dacoity Department". When speaking on his last budget, Lord Curzon summed up his ideas and answered his critics in these words:

> There is entered in the budget the sum of 50 lakhs for police reform. That is only an instalment and a beginning. We accept with slight modifications the full recommendation of the committee and we intend to carry out their programme. We want a police force which is free from the temptation to corruption and iniquity, and which must therefore be reasonably well paid, which must be intelligent, and orderly and efficient, and which will make its motto protection instead of oppression. I confess that my heart breaks within me when I see long diatribes upon how many natives are getting employment under the new system and how many Europeans. The police force in India must be an overwhelmingly native force; and I would make it representative of the best elements in native character and native life. Equally must it have a European supervising element, and let this also be of the best. But do not let us proceed to reckon one against the other, and contend as to who loses and who gains. The sole object of all of us ought to be the good of the country and the protection of the people.[1]

Seven years later the police were again the subject of special enquiry. The verdict of another public services commission, whose report was published in 1917, was that the police reforms of 1905 had been "on the whole successful, but that hardly sufficient time had elapsed thoroughly to test their efficiency". Within these seven years, however, in various provinces, the police of all ranks had been called to deal with subterranean revolutionary conspiracy and had acquitted themselves remarkably well.

Early in his viceroyalty Lord Curzon took charge of the public works department in order to obtain a grasp of the business. He then decided to set up a Railway Board "as the indispensable condition of business-like management and quick and intelligent control". The board was established in 1905, and the railway branch of the public works department was abolished; but public works and railway engineers were still recruited through the same agency. In the public works department there were henceforth two main sections, one concerned with schemes of irrigation and the other with the construction, repair and maintenance of roads, buildings and bridges. Public works and railways included an imperial and a provincial service, both of which were in times of pressure assisted by temporary engineers recruited for the most part in India. In 1906 the residential engineering college which had been established at Cooper's Hill in 1873 was abolished, as an unnecessary expense, for it appeared that

[1] Raleigh, *op. cit.* p. 160.

recruits might be obtained from the other engineering institutions of Great Britain. From that time appointments to the superior engineering establishments of the public works and railway department were made on the nomination of the secretary of state, with the advice of a specially constituted selection committee. Candidates were between the ages of twenty-one and twenty-four, and must produce evidence of superior qualifications.[1]

The separate organisation for the accounts work of the public works department was in 1910 amalgamated with the civil accounts branch of the Indian finance department.

Lord Curzon's interest in the services was by no means confined to the police and the public works department. By his indomitable energy, by his personal example, by his thorough-going sympathy, he did far more for the services generally than any other viceroy had ever done. His special care was for the political department which contained separate cadres for military and civil officers, and is the direct successor of "the diplomatic line"[2] in which Mountstuart Elphinstone and other servants of the East India Company, civil and military, won their spurs. In Lord Curzon's words:

> "There is no more varied or responsible service in the world. At one moment the political may be grinding in the Foreign Office, at another he may be required to stiffen the administration of a backward native state, at a third he may be presiding over a *jirga* of unruly tribesmen on the frontier, at a fourth he may be demarcating a boundary amid the wilds of Tibet or the sands of Seistan." "I hope", he added, "that the time may never come when the political department will cease to draw to itself the best abilities and the finest characters that the services in India can produce."

But all the services, imperial, provincial and subordinate, received his constant attention, for he believed that by raising their standard and tone "the contentment of the governed could be promoted". In this way only could the people be "affected in their homes". He was deeply concerned at "the interminable writing" which had grown up in the administration and threatened "to extinguish all personality, or initiative or dispatch, under mountains of manuscript and print".[3] It synchronised, he said, with the great development of communications, and more especially of the telegraph; in other words, it was the product of modern centralisation. He claimed to have reduced the total number of obligatory reports to government from nearly 1300 to a little over 1000 and the pages of letter-press and statistics from 35,400 to 20,000, "an immense saving of work to overburdened men and no sacrifice of value in the reports themselves".[4] First among viceroys he tried to roll back this ever-advancing deluge, fully realising that too much writing means too little reflection and far too little

[1] *The Report of the Public Service Commission*, 1917, p. 330.
[2] Colebrooke, *Mountstuart Elphinstone*, I, 22.
[3] Raleigh, *op. cit.* p. 78; Ronaldshay, *Curzon*, II, 62.
[4] Raleigh, *op. cit.* pp. 116-17.

intercourse with the people. But in fact another incubus was bearing heavily upon the judges, the district officers, and their assistants. The multiplication of lawyers, the mounting files of cases, the prolonged trials, were tying them to their desks. In Bengal especially,[1] they were in a grip which Lord Curzon did not shake, the grip of a devouring machine. While, too, he was fully aware of the pernicious effects of over-centralisation, his temperament, his close attention to detail, his anxiety to strengthen every branch of the administration to meet the onset of new forces,[2] made him a centraliser.[3] One of his most important administrative achievements was the reorganisation of the agricultural department which he set on the path of fruitful advance. The breadth of his sympathies is attested by a farewell address from the clerks of the secretariat of the Government of India, expressing warm gratitude because, while absorbed in the momentous problems of state policy, he had never "lost an opportunity of ameliorating the condition of the very large body of public servants known by the general name of the uncovenanted service".

His successor's government endeavoured to put an end to the recruitment of military officers for civil posts in Burma. Such recruitment had already ceased in other provinces, and was now regarded as an anachronism at headquarters. This idea, however, was vigorously disputed by the Government of Burma, which wrote on 17 October, 1906:

> The restriction of recruitment to members of the Indian Civil Service would no doubt raise the level of academic qualifications. The lieutenant-governor is not prepared to assent to the proposition that it would raise the intellectual level. Officers of the Indian Army are gentlemen of education and selected officers of that army are probably not deficient intellectually. Moreover pure intellect is not the sole qualification required of administrators. Resource, force of character, knowledge of and sympathy with the people, are also elements of value. In these respects officers of the Indian Army have attained and are likely to attain a high position. Sir Herbert White does not regard uniformity in itself as an object of desire. On the contrary, he considers that diversity of gifts is an advantage. In such a province as Burma, the work is of a very varied nature and officers of diverse qualifications can be utilised. An officer may be of exceptional value in a revenue or judicial appointment, and yet be less well adapted than others for service in Shan States or frontier districts. Similarly an officer may be capable of rendering invaluable service in frontier tracts and yet be less suited than his comrades for employment in settled districts. Even if uniformity were desirable, it had not been found by experience that it is secured in the Indian Civil Service....The limited recruitment of military officers allowed by the present system has given to the commission many officers of exceptional capacity and merit, and may be expected to do so in future.

The soundness of these contentions was practically admitted by the Government of India, which dropped the proposal.

From 1905 onwards circumstances gradually developed which combined to lower the popularity of the Indian Civil Services among

[1] Cf. *Report of the Sedition (Rowlatt) Committee*, paragraph 172.
[2] Raleigh, *op. cit.* p. 487. See also p. 565.
[3] Ronaldshay, *op. cit.* II, 189, 193, 253.

the youth of England. While work became more exacting and seemed less likely to afford scope for initiative, the general price level which had risen about 32 per cent. between 1894 and the period from 1905 to 1909 rose another 5 per cent. between 1910 and 1912. The political barometer was unsteady, and the general outlook did not inspire the buoyant confidence of former days. By degrees things slipped into a position which led the under-secretary of state to suggest in the House of Commons that the Indian Civil Service was only getting the leavings of the Home Civil Service.[1] Meantime the interests of another pivot service had been seriously menaced, for, anxious to foster the growth of an independent medical profession in India by transferring to private practitioners some of the posts then held by officers of the Indian Medical Service and undeterred by a half-hearted and inconclusive reply from the governor-general in council,[2] Lord Morley had ruled that the service must be gradually and increasingly manned by independent medical practitioners recruited in India. The governor-general in council then roused himself, consulted the local governments, and replied that he had gravely "underestimated objections" to the transfer of appointments which was contemplated. He now considered that

> the mere transfer of a certain number of government appointments from the Indian Medical Service to private practitioners would not materially encourage the growth of an independent medical profession; that most of the civil appointments then held by the Indian Medical Service could not suitably be given to men not in regular government service with whom private practice would necessarily be the first consideration; and that the retention of a considerable number of superior civil medical appointments for the Indian Medical Service was essential not only in the interests of administrative efficiency, but also for the purpose of making the service itself attractive to able medical men.

It was important to do nothing which would lower its attractiveness.[3] These views commended themselves to Morley's successor, Lord Crewe; but the axe had been laid at the root of the tree. Already rigid restrictions on private fees and practice had diminished the attractions of a once flourishing service; independent Indian competition was rapidly multiplying; and general circumstances, already noticed, were affecting the British recruiting market. In September, 1913, the secretary of state found himself compelled to invite the assistance of the British Medical Association in his search for remedies. The association drew up a memorandum which was laid before the Public Services Commission appointed in 1912.

Two years earlier, on 17 March, 1911, a notable debate had taken place in the imperial legislative council, on the motion of a non-official member, which brought to a head the agitation which had long been growing among politically-minded Indians for a larger

[1] Hansard, XLI, 30 July, 1912.
[2] *Report of the Medical Services Committee*, 1919, pp. 13–15.
[3] *Idem.*

share in the public services. Once more the government resorted to the old expedient, and on 5 September, 1912, appointed a new public services commission under the chairmanship of Lord Islington. The British element included Mr Ramsay Macdonald, Lord Ronaldshay and Sir Valentine Chirol; the Indian, Mr Gokhale and Mr Justice (now Sir) Abdur Rahim. The commission spent two winters in taking a mass of evidence from Indians and Europeans all over India; but in the words of Sir Valentine Chirol,

> Its sittings, held except in very rare cases in public, served chiefly at the time to stir up Indian opinion by bringing into sharp relief the profound divergencies between the Indian and the Anglo-Indian point of view, and in a form which on the one hand, unfortunately, was bound to offend Indian susceptibilities, and on the other hand was apt to produce the impression that Indians were chiefly concerned to substitute an indigenous for an alien bureaucracy.[1]

The report of the commission was ready in 1915, but for reasons connected with the war was not published until 1917. Its conclusions were treated as largely obsolete by the authors of the 1918 report on constitutional reforms on the ground that a new dispensation had since begun. The commissioners, however, had drawn a clear and vivid picture of the conditions which governed the difficult questions before them.

"All parties recognise the fact that we owe all our present material and political progress to our connection with England: our future depends on the stability of British rule in India." These words were used by an Indian gentleman when addressing a political conference in the autumn of 1914, and go far to explain the general attitude of India throughout the war period. Yet the burden borne by the civil services was a very heavy one.

Of those members of the imperial services who succeeded in achieving the ambition of many and were permitted to join the army, 113 died on active service. The Indian Civil Service, the public works, and the state railways contributed the largest number of officers for military employment; but all spared as many as they could. Officers of the Indian Medical Service in civil employ were freely recalled to military duty and were replaced by Indian temporary captains and lieutenants. So heavy was the demand for doctors that even as late as April, 1919, there were 331 temporary medical officers serving in India and 354 serving overseas.[2] Recruits from England were rarely available to fill vacancies among British civil servants caused by illness or deputation to military duty. The rank and file who remained were immersed in heavy routine duties and extra war-work. Recruiting for the army, for bearer corps, labour corps and collection of supplies, made heavy demands on the imperial, provincial and subordinate civil services alike. When it is remembered that the total

[1] *India Old and New*, p. 134. Cf. Sydenham, *My Working Life*, p. 229.
[2] *Report of the Medical Services Committee*, 1919, p. 26.

of all ranks and personnel embarked at Bombay and Karachi during the war period numbered 1,302,394, of whom 296,221 were British and 1,006,173 were Indian, and that 172,815 horses, ponies, mules, camels, draught bullocks and dairy cattle were sent overseas,[1] it will be realised that the effort to which the services contributed their share was considerable. The provincial and subordinate services responded readily to every call made on their energies, and 6112 of the latter were permitted to undertake military duty.

Revolutionary conspiracy raised its head in the Panjab where it was thwarted by prompt action, and in Bengal where it was repressed for a while by strong measures in 1916. In 1917–18 political agitation and outbreaks of communal animosity added to the anxieties of the time. With the armistice our period closes. Since then constitutional reforms and orders passed on the report of a fresh royal commission have started the services on a new basis. Indianisation has proceeded with rapid strides.[2] Yet the spirit of the administration must remain the same if it is to justify itself to the people of India. Six years ago a leading Hindu nationalist[3] observed in the imperial legislative assembly that wherever British administration had been established in India "the domination of stronger over humbler or weaker communities had been checked, put a stop to, prevented". The watchword of the British Government has in fact been help and fair-play for all. Because they believed in this watchword officers of the old imperial services never repented themselves of any effort or any trouble. Their hearts were in their work. They were content with the purposes for which they were used. Amid many discouragements they preserved intact that devotion to duty, that high sense of honour and integrity which India will always require in her public services if she is really to go on and prosper.

[1] *India* (Nations of To-day series), p. 200. The figures were supplied by the India Office.
[2] See *India in 1924–5*, pp. 65–6.
[3] The Honourable Pandit Madan Mohan Malaviya on 16 February, 1926.

CHAPTER XXI

LAW REFORM

THE necessity for reform of the judicial system and of the law had been recognised long before the transfer of the government of India to the crown. As section 53 of the Charter Act of 1833 declared, it was

> expedient that a general system of judicial establishments and police to which all persons whatsoever, as well Europeans as natives, might be subject should be established in the territories subject to the Company at an early period; and that such laws as might be applicable in common to all classes of the inhabitants of the said territories, due regard being had to the rights, feelings and peculiar usages of the people, should be enacted.

This, so far as it related to the judicial system, was the natural result of experience of the division of jurisdiction between the king's and the Company's courts. In 1822 Sir Charles Grey, Chief Justice of Bengal, had pointed out the "utter want of connection between the Supreme Court and the provincial courts and the two sorts of legal process which were employed in them"; and Sir Erskine Perry, Chief Justice of Bombay, referred later to "the strange anomaly in the jurisprudential condition of British India which consists in the three capital cities having systems of law different from those of the countries of which they are the capitals". The inconvenience and delay entailed by the exclusive jurisdiction of the courts at the presidency towns over Europeans outside them had been mitigated by the Charter Act of 1813. Under it British subjects residing, trading or holding immovable property more than ten miles outside those towns were made subject to the local civil courts, although their right of appeal to the Supreme Courts was preserved; and justices of the peace, until 1832 covenanted civilians, were appointed to deal with debts due by them not exceeding Rs. 50 and cases of trespass and assault against them for which Rs. 500 fine would be sufficient punishment. But more serious cases had still to be instituted in the Supreme Courts in Bengal and Madras and the recorder's court in Bombay, which was succeeded by a Supreme Court in 1823. Attention had moreover been attracted before 1808 on the one hand to the cumbrous structure of the Supreme Courts with their common law, equity, admiralty and ecclesiastical sides, reproducing the separate English jurisdictions, and to the anomaly of the retention in them of the forms of pleading abandoned in England in 1852; on the other to the dangers involved in leaving the administration of justice in the districts to judges without professional training, unassisted by any definite or uniform procedure or

substantive law. The amalgamation of the Supreme and Sadr Courts and their jurisdictions was clearly essential. But it was only in 1862 that, after delay for the passing of a Code of Civil Procedure for the new courts and those subordinate to them, the existing Supreme and Sadr Adalat Courts were abolished and replaced under the Indian High Courts Act, 1861, by the new High Courts at Calcutta, Madras and Bombay. Under powers given by the act one other High Court could be established at a place to be selected and in 1866 a High Court was established at Allahabad to exercise the jurisdiction over the North-Western Provinces hitherto exercised from Calcutta. No addition was made to those High Courts until 1916 when one more was established at Patna for the province of Bihar and Orissa constituted on the rearrangement of the province of Bengal in 1912.

The constitution and powers of the High Courts then created have remained unaltered in essentials during the period under consideration. The judges are appointed by the crown and hold office during His Majesty's pleasure. Their number has been increased from time to time permanently or temporarily to cope with increasing business, but no change has been made in the provision of the act of 1861 under which one-third of the judges in each court are members of the English, Irish or Scotch bar, one-third members of the Indian Civil Service, and the remainder persons who have held judicial office in India for five years or have practised as pleaders at a High Court for ten. On its appellate side each of those courts exercises the jurisdiction inherited from the Sadr Court over the districts and on its original side that of the Supreme Court over the presidency town where it sits. The exclusive jurisdiction over British subjects in the districts in serious criminal cases was abolished with the Supreme Courts in 1861, special provisions for their protection being included in the Code of Criminal Procedure. The provisions of the act of 1781, rendered necessary by the Patna and Kossijura cases and the conflict between the Supreme Court and the governor-general's council, were re-enacted, matters concerning the revenue, its collection in accordance with the law or usage of the country and the official acts of the governor-general, the provincial governors and the members of their councils, being excluded from the High Courts' original jurisdiction. The territorial jurisdiction of the High Courts has since their creation remained substantially unchanged except in the case of Calcutta, comprising in the case of each the province it belongs to, and, for the purpose of exercise of its powers over British subjects, such adjoining native states as the governor-general in council may direct under the Foreign Jurisdiction Act, 1890. By orders in council under the act the High Court of Bombay also exercises powers over Zanzibar and the Persian coast.

In the other or non-regulation provinces, where no Supreme Courts had been established, judicial arrangements had been made in the

first instance, as territories were acquired and occasion arose. But the necessity for a reconstruction of the courts there was now clear. The court of the chief commissioner was accordingly established in 1863 for Burma with recorders exercising unlimited civil and criminal powers at Rangoon and Moulmein, these being replaced in 1872, respectively, by a judge and a small cause court subordinate to the commissioner. In 1896 a separate judicial commissioner with civil powers was appointed for Upper Burma and in 1900 a chief court was created for Lower Burma, comprising four judges of whom two (including the chief judge) were to be barristers. The court of the judicial commissioner of the Panjab was superseded in 1866 by the chief court and between 1861 and 1868 courts were established also for Sind, Aden, the Central Provinces, Oudh and Coorg. The judges of these courts are appointed by the governor-general and hold office during his pleasure.

The development since 1858 of the inferior courts, civil and criminal, followed its natural course. It is worth notice that litigation relating to agricultural tenancies was dealt with by revenue officers as courts of first instance in Madras throughout and in Bombay until 1866, when the jurisdiction was transferred to the civil courts. In Bengal it had since 1831 been with the revenue officers, although their decisions were merely provisional and subject as to determination of rents and in cases of ejectment to those of the civil courts. In 1859 the revenue courts were given sole jurisdiction, but in 1869 that of the civil courts was restored. Finally legislation in 1885 and 1898 left the revenue courts with control only over settlement and rates of rent. For the rest the tendency in the organisation of the criminal courts has been towards the employment of separate officers for magisterial and revenue duties, when that is consistent with economy and administrative convenience; and efforts have been made to restore the exercise of judicial powers in petty cases by village headmen and village courts to a regular and definite footing.

It was part of the scheme for the reorganisation of the judicial system that the creation of the new High Courts should be postponed until, in the words of Sir C. Wood, "a code of short and simple procedure had been prepared" in order that "a simple system of pleading and practice uniform, so far as possible, throughout the whole jurisdiction, might be adopted and one capable also of being applied in the inferior courts of India". The Code of Civil Procedure enacted in these circumstances was the first instalment of the earliest comprehensive attempt at codification in the British Empire. To the understanding of the circumstances in which that attempt was made and of the value of the result, some account of the law administered under the Supreme and Sadr Courts is essential.

According to a general description given in 1829 by the judges of the Supreme Court of Calcutta,

no one could then pronounce an opinion or form a judgment, however sound, upon any disputed right regarding which doubt and confusion might not be raised by those who might choose to call it in question; for very few of the public or persons in office at home, not even the law officers, could be expected to have so clear and comprehensive a knowledge of the Indian system as to know familiarly the working of each part on the rest. There were English acts of parliament specially provided for India and others of which it was doubtful whether they applied to India wholly or in part or not at all. There was the English common law and constitution of which the application was in many respects most obscure and perplexed; Mahomedan law and usage; Hindu law, usage and scripture; charters and letters patent of the courts; and regulations of the government, some requiring registration in the Supreme Courts, others not, whilst some had effect throughout India and others were peculiar to one presidency or one town. There were commissions of the governments and circular orders from the Nizamat Adalat and from the Diwani Adalat, treaties of the Crown, treaties of the Indian Government, besides inferences drawn at pleasure from the *droit public* and the law of nations of Europe to a state of circumstances which will justify almost any construction of it or qualification of its force.

More definitely, we find that as regards procedure the Supreme Courts with their common law, equity, ecclesiastical and admiralty sides had adopted on each the appropriate English practice, except that the *viva voce* examination of witnesses was taken down completely in writing. In the inferior courts the English procedure was followed except that written pleadings were dispensed with. In the Sadr Courts and in the districts suits were dealt with, in Bengal mainly under a code enacted by Lord Cornwallis in 1793, resembling rather the equity or even the Scotch system than the common law; in each of the other provinces under its own regulations of somewhat later date. In these courts pleadings in writing were required; but in many cases, as no particular forms for them were prescribed, they did not serve the purpose of bringing the parties to a distinct issue. No strict rule was followed as to the production of evidence, lists of witnesses and documents being brought in from time to time according to the party's convenience. In Bengal a regulation of 1814 no doubt required the court to formulate the points to be determined; but this was much neglected. The depositions of witnesses were not recorded by the judge or magistrate, but were taken in his presence, sometimes more than one by different clerks simultaneously, and at the first hearing he sometimes himself perused them and the pleadings, sometimes heard them read by a subordinate who might or might not reproduce them correctly. There were further other summary forms of procedure for cases of small importance in which speedy disposal was desirable. The law of evidence had in the presidency towns followed English developments; by an important innovation in 1852 parties were allowed to give evidence except on proceedings for adultery and breach of promise of marriage, and could be compelled to allow inspection of documents. In the districts the courts followed the English law, so far as it was accessible to them, although they were not bound by it, and also an indefinite customary law derived from

a Muhammadan treatise, the *Hidaya*, and the Muhammadan law officers; and there were regulations dealing with a few special points. But in 1853 in Bengal the law recently enacted for the presidency town was applied to the Company's courts and two years later a longer act was passed, containing many valuable rules, although it was not exhaustive or logically expressed or arranged. In the Supreme Courts and others in the presidency towns the substantive law, civil and criminal, was, so far as it was applicable, that of England, except in cases between natives, relating to contract, succession, and inheritance, where the Hindu or Muhammadan law was applied according to the religion of the parties or of the defendant in case their religions were different. But in the districts the law was entirely devoid of uniformity and system. In Bengal after 1772, and later in other provinces, the administration of justice had engaged the Company's attention, the course taken being to leave matters of marriage, inheritance, succession and caste to be dealt with by the Hindu, Muhammadan or other customary law to which the parties might be subject, to deal with other matters in accordance with justice, equity and good conscience, an expression naturally interpreted by English judges as meaning the English law adapted, as far as might be, to local conditions, and to continue the Muhammadan criminal law, which had, especially in Bengal, been applied since the Muhammadan conquest. There had of course been legislation during the ensuing eighty years, but on particular points and in rare instances. For example, when the law of contracts was codified in 1872, it was necessary to repeal only seven Indian acts, of which three related solely to the Company's trade, and the codification of the law of transfer of property in 1882 involved the repeal of only eight acts, three of which had been passed before 1856, and three local regulations. In these circumstances the law administered in the Company's courts was not likely to be uniform or certain. In criminal matters the case was different, mainly because some portions of the Muhammadan law were necessarily superseded by statute, as unenforceable by a western government. For instance retaliatory mutilation as a sentence, the loss of a limb for a limb, had been abolished in 1793; but it was only in 1825 that women were exempted from flogging, and in 1849 that branding was replaced by imprisonment as a punishment for perjury. In the Panjab a manual of criminal law was issued by the executive as a guide to the magistracy, and in Bombay a code had been passed in 1827, which, however, in the opinion of Macaulay and his Law Commission deserved even severer criticism than the more miscellaneous systems established by the various laws and regulations in other provinces. This fortuitous and unscientific legislation resulted inevitably in illogical classification of offences and apportionment of penalties. Thus in Bengal serious forgeries were punishable with a term of imprisonment double that fixed for perjury; in Bombay the rule was

the reverse; and in Madras both offences were treated alike. In Bombay the escape of a convict was punished with imprisonment double that imposed in the other provinces, whilst coining was punishable with little more than half the term assigned for the offence elsewhere. In Bengal the unlicensed vendor of stamps was liable to a moderate fine and in Madras to a short term of imprisonment, whilst in Bombay he and also the purchaser (who elsewhere committed no offence) were liable to five years' imprisonment and also to flogging.

General recognition of the uncertain, localised and on the criminal side arbitrary character of the systems thus established had led to the reference already quoted in the act of 1833 to the expediency of ascertaining and consolidating the law and to the further provision for the appointment of an Indian Law Commission to enquire and from time to time to make reports which were to be transmitted by the governor-general in council with his opinion to the court of directors and to be laid before parliament. The commission thus constituted was composed of Macaulay, the first member appointed to the council for legislative purposes, and a civilian from each of the presidencies. It first under the instructions of government busied itself with the draft of a Penal Code, completing it before Macaulay's departure from India in 1837. Subsequently, however, it confined itself to the periodical issue of reports, containing proposals on which legislation has since been founded, and became defunct after submitting a draft limitation law in 1842 and a scheme of pleading and procedure with forms of criminal indictments in 1848. It was succeeded by a body of commissioners appointed in England under the Charter Act of 1853 to examine and report on its recommendations within three years. The commission included Sir John Romilly, Master of the Rolls; Sir John Jervis, Chief Justice of Common Pleas; Mr Lowe, afterwards Lord Sherbrooke; Mr Cameron, known as a disciple of Bentham; and other members with Indian experience; and its first duty was the preparation of the Code of Civil Procedure, pending which the erection of the new High Courts had been postponed. This code, as it was passed in 1859, did not apply to the Supreme Courts, but the greater part of it was extended to the High Courts by their letters patent in 1862. The law of limitation and prescription was next taken up; and in 1859 a bill drafted by the first Indian Law Commission and revised by the second became law. In 1860 the Penal Code, based on the draft proposed by Macaulay's commission and revised by Mr Bethune, the legal member of council, and Sir Barnes Peacock, was passed. It was followed in 1861 by a Code of Criminal Procedure for the courts other than those in the presidency towns, where the English procedure was retained until the passing of acts for the High Courts in 1875 and for the magistrates' courts in 1877.

The prominent and distinctive features of the procedure, civil and criminal, thus introduced may be mentioned at once, for they have

remained unchanged in the numerous subsequent revisions of the law. Both codes followed in the main the English procedure, some provisions in the Civil Procedure Code being adopted in substance from the Common Law Procedure Act, 1852. There is no jury in civil actions in the districts. The pleadings are not required to be, but may be, in writing. In every case the framing of issues is obligatory and a written judgment stating the points for decision and, except in petty cases, giving reasons for the decision on each, is required. One appeal, except in petty cases, is allowed on the facts; on the law petty cases can be brought before the High Court and others can be taken in appeal to the district court and the High Court or to the latter in case the former or a court of concurrent jurisdiction with it has held the trial. Imprisonment is one method provided for the recovery of sums decreed, the maximum period having originally been two years and the minimum three months; but these periods were reduced in 1882 to six months and six weeks. Both codes contain clear provisions for preparation of the record of evidence by the hand of the judge or magistrate. The Criminal Procedure Code deals, not only with the actual trial, but also with the preventive proceedings and the police investigations. It allows in all but petty cases an appeal on fact and law, and also provides machinery by which questions of law can in all cases be brought before the High Court. Indian conditions further made it necessary to enable the government to appeal against acquittals. The most important innovation was, however, the extension of trial by jury. It had in accordance with English procedure been the method of trial in the presidency towns from the beginning, the grand jury then having been abolished in 1865. It was now applied to such districts and in respect of such offences as the government might direct, the normal procedure in the absence of such directions being trial by the judge with the aid of assessors. The number of jurors in the High Court is nine and in the districts is fixed by the government, but must not be more than nine or less than three. The verdict of six jurors in the High Court or a majority in the districts can in the discretion of the judge be accepted. In the districts the judge is however at liberty, in any case in which he thinks it necessary for the ends of justice, to submit a unanimous verdict for the consideration of the High Court, which may set the verdict aside and order a retrial or at once convict or acquit. Trial by jury was on the passing of the code applied only in a few districts of Bengal and Madras to the less serious offences, and it was more than ten years before it was substantially extended. It has been applied in some provinces even to the most serious crimes against the person, but in others, Madras and the United Provinces, it has been restricted, entirely or almost so, to offences against property.

In 1861 a third commission was constituted, again in England, which included among its members Sir J. Romilly, Lord Chief Justice Erle,

Mr Justice Willes, and later Messrs, afterwards Lord Justices, James and Lush. The first result of their labours was a draft law of succession, which was carried through the council in 1865 by Sir Henry Maine, as law member. They then submitted proposals relating to the law of contracts, negotiable instruments, evidence, transfer of property and the revision of the Code of Criminal Procedure. But the criticism to which their Contract Bill was subjected in select committee of the council and the failure of the government to proceed with their other recommendations led to their resignation in 1870; and until 1879 the work of codification with that of the consolidation of the law applicable to each province was carried on by the law member. Sir James Stephen was thus responsible in 1871 for a new Limitation Act and in 1872 for a revised Criminal Procedure Code, an Evidence Act and a Contract Act based, though with important amendments, on the commissioners' draft; and Mr, afterwards Lord, Hobhouse in 1877 for the Specific Relief Act. The secretary of state had since 1875 been pressing for the completion of codes for the remaining branches of the law, and had suggested the appointment of a small English committee. But the Government of India, recognising the growing public apprehension that codification might be proceeding too fast, made good its contention that it should retain responsibility for decisions as to the occasion for and nature of further progress; and Sir Whitley Stokes as law member, Sir Charles Turner and Sir Raymond West were appointed commissioners, their first duty being to consider certain draft bills already prepared. Their labours resulted in the passing in 1881 and 1882 of measures dealing with negotiable instruments, private trusts, transfer of property and easements. A Guardians and Wards Act was added in 1890, and a Provincial Insolvency Act in 1908 to supersede the provisions of the Civil Procedure Code which had hitherto provided the very rudimentary insolvency law applicable outside the presidency towns. No further additions of importance were made to the system thus created. The codification of the law of master and servant and the law of torts has been considered, draft bills having been prepared, for the former by the third Law Commission and for the latter in 1886 in England by Sir Frederick Pollock. But neither has been carried farther, the one because the stringent penal clauses in the draft were considered open to objection and the other because in the districts the cases arising from that branch of the law were neither numerous nor complex and in the presidency towns the more competent bench and bar found the common law sufficient. The law of agricultural tenancy which is not dealt with in the Transfer of Property Act did not call for codification, since it depended on local considerations and was dealt with by the local legislatures.

The extent to which revision of those codes has been found necessary affords one test of their success. Allowance must no doubt be made for the natural reluctance of the government to remove obscurities of

language which had been made plain by judicial interpretation and in respect of which no conflict of opinion between the different High Courts has arisen. But it is satisfactory that only comparatively few amendments and additions to only three of the codes dealing with substantive law, the Contract Act, the Transfer of Property Act and the Penal Code, have been called for. On the other hand the law relating to procedure, in which the earliest experiments were made and in which mistakes would most easily be discovered in the light of experience, has required more than the normal periodical revision. The Civil Procedure Code of 1859, after four amending acts in the next four years, further amendments in 1877 and a revision of over one hundred sections in 1879, was replaced by revised codes in 1882 and 1908, this last retaining the fundamental provisions of its predecessor and, in accordance with the scheme of the English Judicature Act of 1873, substituting for the others rules which can be modified by a Rule Committee in each province with the sanction of the local government. The first Code of Criminal Procedure was after four amendments succeeded by revised codes in 1872, 1882 and 1898, there having been sixteen amending acts between the two last mentioned. Only one of these calls for notice as representing any new departure in principle. In 1883 the law member, Mr (afterwards Sir) Courtney Ilbert, introduced a bill withdrawing entirely the privilege hitherto enjoyed by every European British subject in the districts of trial only by a sessions judge or justice of the peace of his own race. But in deference to strong expressions of European public opinion the bill, as it became law, withdrew this privilege merely to the extent of conferring jurisdiction in such cases on all sessions judges and district magistrates of whatever race as well as on justices of the peace, being magistrates of the highest class, and European British subjects; a European British subject on trial before a district magistrate was enabled to claim a jury of which at least half the members might be Europeans or Americans; the sentences which those courts could inflict were still limited, though enhanced in the case of district magistrates, and committal to the High Courts was still necessary in case a penalty more severe was required.

The sources of the law stated in the codes were various. The Penal Code for instance was influenced by the French *Code Pénal* and the Louisiana Code which had lately been published, when Macaulay's commission completed its labours; and the Contract Act, perhaps the least successful of the series, reproduced important provisions of the draft New York Code, a model of questionable value. But the foundation was throughout the English common law, adapted, as necessity required, to Indian conditions and divested, as far as possible, of technicalities. Thus the Penal Code authorises an alternative sentence of transportation for life in cases of murder, and deals with offences against property without reference to the English law of larceny or

fine distinctions regarding possession; and the Succession and Transfer of Property Acts disregard the English distinction between the legal incidents of real and personal property and depart in material respects from the English rules against perpetuities and accumulation. The drafting and arrangement of the codes are substantially in accordance with the practice of parliamentary draftsmen of the present day and, if, particularly in those dealing with procedure, the result is sometimes unsatisfactory, that must be ascribed mainly to an inevitable failure to foresee and provide for exceptional cases and to the use of language which no doubt attains in appearance the ideals of simplicity and lucidity, but does so in some instances at the expense of accuracy and comprehensiveness. One expedient calls for notice as an experiment regarding the success of which opinions have differed, the use of illustrations, concrete examples appended to particular definitions or provisions. This innovation was due to a suggestion of Bentham and to the initiative of Macaulay. It was defended in connection with the Penal Code by his commission, on the ground that "when each definition is followed by a collection of cases falling under it and of cases which, though at first sight they seem to fall under it, do not really do so, the definition and the reasons for it may be readily understood"; and it was generally the case that the illustrations "made nothing law which would not have been law without them" and were merely instances of "the application of the written law to the affairs of mankind". So used, it may be doubted whether they are required by the competent judge or practitioner. But in the later codes, as the framers of the Succession Act pointed out, they were the equivalent of decided cases and "an important part of the law, settling points which without them would have been left to be determined by the judges"; and this is particularly applicable to that act and the Contract and Specific Relief Acts, where many of the illustrations simply reproduce decisions of the English courts, which it was desired to adopt. The innovation has not been followed in any subsequent codification of importance. Its real justification was that the majority of the judges and magistrates who were to administer the codes on their enactment had not the assistance of adequate legal training or a law library or a competent bar and had no settled course of judicial authority to refer to.

These conditions, and not the requirements of a developed European or American community, supply in fact the test by which the form and matter of the codes must be tried. No doubt in practice it has not been feasible to check the accumulation of Indian case law by regular periodical revision, as Macaulay proposed, by a permanent Law Commission. There is further no reason for supposing that the certainty at which he aimed has been attained to any extent which affects the readiness of the Indian litigant to raise questions of law and carry them to the appellate courts. The result is rather that the

discussion of such questions turns on the construction of the statute, not, as it would under a common law system, on principle, and accordingly that the former and matters of procedure are relied on more readily than the latter and the merits of the case. The experiment of codification was moreover tried in India in favourable conditions, because the hands of the legislation were not tied by any previous coherent system of law. It is therefore difficult to draw any general inference from its results. But, all deductions made, it may fairly be claimed that, after the early mistakes had been corrected, a body of law was evolved in the compact and serviceable form which the circumstances of the country require.

One important division of the law administered in the presidency towns as well as in the districts has not yet been referred to, the family law applicable to Hindus, Muhammadans, Parsis and in Burma to Buddhists. Its application was provided for in the High Courts by their letters patent and eventually the Civil Courts Act which regulated the jurisdiction of the other courts in each province, so far as it related to succession, inheritance, marriage, caste or any religious usage or institution, subject to any law or custom to the contrary. In the Muhammadan, Parsi and Buddhist law since 1834 there has been no marked development. But the Hindu family law requires fuller treatment on account, not only of its intrinsic interest, but also of its direct influence on the way in which property is enjoyed by the majority of the population and on their social and economic progress.

The earliest sources of the law, the code of Manu and the writings of Yajnavalkya, Narada and Brihaspati, have been described in an earlier chapter.[1] They were followed some five hundred years after Narada, the latest, by the commentaries, which are however regarded as having independent authority, the most important being the Mitakshara (A.D. 1000–1100), a commentary on Yajnavalkya and the foundation of the law throughout India except in Bengal, where it is on some points superseded by the Daya Bhaga (A.D. 1200–1400), and in Gujarat and other parts of Bombay, where on some points the Viyavahara Mayukha (*circa* A.D. 1600) prevails. It was for the British courts, when late in the eighteenth century they undertook to administer law resting on these remote foundations, to acquaint themselves with this literature, written in Sanskrit, and with the development of legal conceptions during the intervening period. For the former purpose the initiative of Warren Hastings and Sir William Jones no doubt resulted in translations of Manu by the latter in 1794, of the Mitakshara and the Daya Bhaga by Colebrooke, a Bengal civilian, in 1810, and of the Mayukha by Borrodaile in 1827. There were also two digests made under British influence, Halhed's *Gentoo Code* and Colebrooke's or Jagannadha's *Digest*. The former (1776) was compiled at Calcutta by eleven pundits in Sanskrit and translated by

[1] Vol. II, chap. xii.

Halhed, also a Bengal civilian, from a Persian translation at the request of Hastings; the latter, a work of far greater value, translated and edited by Colebrooke, a Sanskrit scholar and lawyer of established reputation, contained extracts from original authorities. But these digests went very little way towards supplying the necessary guidance as to the progress of the law during the previous four centuries and the manner in which it was actually being understood. Recourse was therefore had to the pundits, persons of the Brahmin caste, whose families had handed down legal knowledge and tradition from generation to generation and who were attached to each court and were invariably consulted, if doubt as to a particular case arose. Their opinions were at first followed implicitly in spite of their natural tendency to discourage departure from the authorities, in which they were practically the only experts, even when such departure corresponded, as it must sometimes have done, with established custom or altered social conditions, and in spite of the fact that, to quote Sir William Jones, "even if there were no suspicion of corruption on their part, the science they professed was in such a state of confusion that no reliance could be placed on their answers". Later the courts began to scrutinise their opinions more closely and to notice discrepancies between them and the authorities cited, and in western and northern India decisions were based also on evidence from the heads of the caste concerned as to its actual usage. In the south, however, where the Mitakshara and the opinions based on it were accepted as conclusive, the result has been aptly described as similar to that which would be reached, "if a German were to administer English law from the resources of a library furnished with Fleta, Glanville and Bracton and ending with Lord Coke".[1] No doubt the pundits, whose employment ended in 1864, had been a safeguard against the importation of European notions into the law of the country. But it is possible that their influence generally resulted in too uniform an application of the texts and in disregard of the growth of particular family and local conditions, by means of which social development would naturally proceed.

The foundation of the Hindu law, as it was received and has been administered by the British courts, may be stated in the words of an accepted authority as being that,

> whereas in England the ownership of property is simple, independent and unrestricted, in India not only is joint ownership by the family the rule and presumed to exist until the contrary is proved, but that is the description of ownership into which all private property eventually falls.[2]

For, although each male member of the family is entitled at any time to have his share *per stirpes* ascertained by means of a division of the whole property and delivered to him, what he receives will at once

[1] Mayne, *Hindu Law and Usage*, p. 44. [2] *Idem*, p. 305.

become in his hands the nucleus of the property of a new family composed of himself and his descendants and, although what the individual may acquire without assistance from the family or its resources remains at his sole disposal, such acquisitions will become family property after they have once passed by an elaborate system of inheritance or, as eventually became possible, by will. Unless and until a division is claimed, the members of the family are, in Hindu legal language, joint in food, worship and estate.

"The proceeds of individual property must", as Lord Westbury put it, "be brought to the common chest or purse and then dealt with according to the modes of enjoyment by the members of an individual family, the maintenance and education of the members, their religious requirements including marriages and the general advancement of the family's interests, and the only person competent so to deal with them is the father or managing member, who can even alienate for family purposes."

It follows on the same authority that "no individual member of the family, whilst it remains individual, can predicate of the joint and individual family property that he, that particular member, has a certain definite share in it" and *a fortiori* that he cannot without a division deal with any particular item of it as his own. Those were the conditions on which property was held, as the courts understood them, except in Bengal where under the Daya Bhaga in some respects the father's sole ownership, in others the sons' right of disposition, was recognised more clearly. This conception of the individual's ownership as merely of an interest in property, the extent of which was liable to alteration as the number of the shares increased or diminished by birth, adoption or death, was no doubt suitable to a society simply organised and mainly agricultural with land and cattle, the use of which one member could superintend, for its chief possessions. Alienations, claims to a division and acquisitions made independently of the family or its funds, would be rare and are noticed shortly and indistinctly in the texts. The absence of testamentary power over property of the last-mentioned description and the obligation of a member of the family to account to it for all professional earnings which its expenditure, however small, on his education had in any degree enabled him to make, would seldom cause hardship. Other features imposing restrictions on individual initiative and development, which can only be mentioned, were the liability of sons to the extent of the family property for all debts of their father, whether incurred or not for their benefit, so long as their purpose was not illegal or immoral, and the limitation of the right of female heirs to separate property to enjoyment for their lives, alienation by them being allowed only in exceptional cases.

The law thus evolved with its restraints on individual enjoyment of and control over property was evidently unfavourable to social progress; but it remained unaltered in any material particular in

spite of the changes in conditions effected by improved communications and migration from rural tracts to towns and the colonies, the spread of education and the increase in professional employment and the growth of a more complex civilisation. It is useless to speculate regarding the extent to which a more liberal recognition by the Supreme and Sadr Courts of local and personal deviations from the system, as sanctioned by custom, might have led to its relaxation. In fact such deviations from the normal as were allowed affected mainly the law of marriage and succession to separate property. Two exceptions to this may, however, be referred to as indicating the attachment of the Hindu temperament to joint ownership. One section of the important Khoja community in Bombay as well as other Hindu converts to Islam insist on retaining the Hindu joint family law in combination with the Muhammadan law for other purposes; and the numerous followers of the Marumakattayam law in Travancore and Malabar, who in the absence of any formal marriage relation trace kinship only in the maternal line, adhere to the joint family system in its most rigid and possibly more primitive form, no member having the right to claim his share on a division at all except with the unanimous consent of the others. Subject to such exceptions and to some relaxation in the case of trading families, the law as described was administered by the Supreme and Sadr Courts and received from them by the High Courts. It has since been substantially maintained except in two respects, the gradual recognition of the right of the individual to deal otherwise than by gift with his share of the family property and of his right to dispose by will of property independently acquired.

The legal history of these rights is of interest. The former was not recognised by the earlier text-writers and the earliest English authorities denied or were uncertain as to its existence; but as to the advantages of recognising it there could be no doubt. The first step taken by the courts was to allow, not an ordinary sale, but the recovery by a creditor of his debt by bringing to sale the debtor's interest, whatever it might be, in the family property, the purchaser being left to obtain delivery of the specific items representing that interest after they had been ascertained in a division. This result was reached in Madras in 1855, in Bombay rather later, but in Bengal only in 1872. To hold next that a member can himself sell what can be sold under a decree against him would seem to be easy. But that step was taken in Madras only in 1862 and in Bombay in 1873, whilst in Bengal, Oudh and the North-Western Provinces the strict doctrine prohibiting alienations has been maintained except in cases in which some special consideration, for instance fraudulent representation by the alienor of his right to alienate, is in question. This development of the law in Madras and Bombay rested on a recognition of the consideration due in equity to an alienee for values and therefore it has never even in those provinces

been applied to alienations by gift. But it has lately been extended to justify assignment to the alienee of the particular property alienated in the division which must be made, if that can be done without unfair prejudice to other members of the family. In such cases at least a substantial departure from the original conception of joint family ownership would seem to have been taken.

The course of development of the testamentary power was far shorter. It was recognised in the texts, if at all, only in a rudimentary form, and its use was from the first regarded by the British courts as an innovation. Whether Hindu wills originated in the example of English or Muhammadans or in the Brahminical influence exerted in favour of a practice facilitating the endowment of religious objects, is uncertain. But the first known will of a Hindu, the notorious Omichund, was made in 1758. The testamentary power naturally obtained recognition most easily where the largest measure of control over property by the individual during his lifetime was admitted; and accordingly wills received effect in Bengal from 1792, the law being finally settled by a certificate given by the Sadr Court at the request of the Supreme Court in 1831. Elsewhere, however, stricter views regarding individual control over property delayed progress, and there has never been any question of the right to bequeath property which could not be transferred by gift—that is property of the family. In Bombay the pundits held first that, as wills were not mentioned in the Shastras, they ought not to be made; and, although they were recognised in Bombay city, where English influence was strong, they were refused effect elsewhere in the province until after 1820, even in cases in which a gift would have been valid. In consequence, however, of the increasing frequency with which they were being made after that year, the High Court in 1860 pronounced generally in their favour. In Madras the privilege was established less easily. At first, although there had been no actual decision, the tendency of the Sadr Court had been to accept the views of such authorities as Sir Thomas Strange and Mr Colebrooke and of the pundits, that the validity of a will must be tried by the same tests as that of a gift, and a statute had recognised the right of executors to take charge of a testator's property. But in 1829 the legislature intervened, repealing the previous law and declaring that wills were hitherto unknown and were repugnant to the authorities prevailing in the province and should have no force except so far as those authorities allowed. This led the courts to treat wills as wholly inoperative, the Sadr Court generally continuing to do so in spite of the confirmation by the Privy Council in 1856 of a decision by one of its judges in their favour; and it was only in 1862 that the newly created High Court recognised the validity of Hindu wills in the south of India.

The law thus originated was unsatisfactory. The courts were constrained to hold that a will might be oral and that a written will was

valid without alteration; and there was further no probate procedure or recognised limit to the powers of executors. The Succession Act already referred to did not apply to the wills of Hindus, Muhammadans or Buddhists. That omission was repaired by two of the very few statutes passed to alter or supplement the indigenous family laws of the various religious communities. The Hindu Wills Act, 1870, and the Probate Act, 1881, applied the essential provisions of the Succession Act with appropriate amendments to the wills of Hindus and Buddhists in Lower Bengal and the cities of Calcutta, Madras and Bombay. The latter provided for the application of those provisions to other tracts in the discretion of the local government concerned; but this power has been used only to an insignificant extent.

Other instances of legislative interference with family law in spite of its quasi-religious foundation are afforded by the Freedom of Religion Act, 1850, by which so much of any law or usage as affects the right to property or to an inheritance by reason of change of religion or loss of caste was made unenforceable; the Hindu Widow Re-marriage Act, 1856, abrogating the law under which a widow forfeited all rights over her deceased husband's estate on her re-marriage; the Indian Majority Act, 1875, under which majority occurs at the end of the eighteenth year instead of at the sixteenth under Hindu or earlier under Muhammadan law; and the Age of Consent Act, 1891, which in effect forbids consummation of marriage before the wife has attained the age of twelve. It may be observed that two recent enactments, the Anand Marriage Act, 1909, dealing with the legality of a particular Sikh form of marriage and the Muhammadan Wakf Validity Act, 1913, dealing with the law applicable to Muhammadan religious institutions, are expressed, not as modifying, but as declaring the existing unwritten law. There have been no important modifications by the legislature of that law other than those referred to; and only one unsuccessful attempt to alter it by statute went far enough to call for mention. The Hindu Gains of Learning Bill was intended to determine the existing obligation of a member of a Hindu joint family, whose education has been assisted in any degree by family funds, to account to the family for the additional earnings which that education enables him to make. The bill was passed by the legislative council in Madras in 1900, but was vetoed by the governor of the province, Sir Arthur Havelock, and has not been brought forward again.

CHAPTER XXII

THE INDIAN ARMY, 1858–1918

In 1858 the government of India was transferred from the Company to the crown, and after the suppression of the Mutiny the reorganisation of the military forces in India was the most urgent question before the authorities. The viceroy, Lord Canning, at first favoured a system advocated many years before by Sir Thomas Munro, of a large European force enlisted for permanent service in India, but it was finally decided that the European element should be provided by the British Army, regiments and batteries being posted to India, as to other places beyond the seas, for tours of foreign service.

The Company's European troops, now numbering over 15,000, were transferred to the service of the crown, and the promulgation of the decision raised protests and objections which were styled at the time the White Mutiny. Both officers and men objected to the transfer of their services without their wishes being consulted, and both were insubordinate and disaffected. About 10,000 men claimed their discharge, but a bounty offered to them, and a guarantee to the officers of the pensions due to them under the Company's rules, allayed the discontent, which need never have been aroused. One of the principal grievances of the men was that many had made, and more, perhaps, intended to make, India their home, and had married, or hoped to marry, Indian or Eurasian wives whom they could not take to Europe. The discontent of the officers is now less easy to understand, but it was generally believed that though the "pagoda tree" could no longer be shaken, the Company's service offered a better provision than the royal service for a poor man, and the prospect of reduced pay in a more expensive environment, and of less chance of extra regimental employment, even when accompanied by the privilege of serving for an Indian pension in their native climate, was not welcomed by them. They had, however, the chance of remaining in India with sepoy regiments, and of the officers of the two Bengal Fusilier regiments considerably less than half volunteered to remain with those regiments, now liable to tours of home service.[1]

The corps of Bengal, Madras and Bombay artillery and engineers were amalgamated with the Royal Artillery and the Royal Engineers, and the European infantry regiments, now, including those raised during the Mutiny, nine in number, became regiments of the line, numbered from 101 to 109.

Of the regular native army of Bengal the cavalry and artillery had

[1] Innes, *Bengal European Regiment*, pp. 530–3.

disappeared, and only eleven entire infantry regiments had remained staunch. When the army was reconstituted nineteen irregular cavalry regiments, some of which had been raised in the Mutiny, became the Bengal cavalry, the eleven infantry regiments became the first eleven of the line, next came two irregular regiments, then two Sikh regiments, then two regiments formed from the faithful remnants of regiments which had mutinied, then a military police battalion, then fourteen irregular regiments of the Panjab, but not of the frontier force, and the number of the line regiments of the Bengal army was brought up to forty-nine by seventeen irregular regiments raised during or after the Mutiny. Numbered separately from the line were four regiments of Gurkhas, forming part of the Bengal army, and a fifth, a unit of the Panjab frontier force. The three presidency armies were reorganised on what was inaccurately termed the irregular system, which had been advocated by Sir Thomas Munro and Sir John Malcolm. It differed from the regular system only in the number of British officers attached to a regiment of cavalry or battalion of infantry. Under the regular system they commanded troops and companies; under the irregular system they acted only as field and regimental staff officers. In the Mutiny the irregular regiments had proved at least equal to the regulars, for they had been commanded by younger men, and native troop and company officers, entrusted with responsibility, had risen to the occasion. Henceforth troops of cavalry and companies of infantry were commanded by native officers. In the cavalry British officers commanded squadrons, and in the infantry "wings", or half-battalions. The regimental staff was British, but the adjutant was assisted by a Jamadar-adjutant, in the cavalry styled "Woordi-major", and British squadron and wing officers assisted the squadron and wing commanders, and took their places when they were absent on leave.

In order to render service with native troops more attractive the appointments held by British officers in native regiments were treated as staff appointments, and carried allowances, as well as pay of rank. The officers on each of the three presidency establishments were graded in a Staff Corps, recruited from the Company's and the queen's services. There remained, in each presidency, two small bodies of officers besides the Staff Corps, the first consisting of officers of the pre-Mutiny armies and the second of officers who had received commissions since the outbreak of the Mutiny, who did not wish to join the Staff Corps. These two bodies were known as the Local List and the General List, the former, in Bengal, being styled the "lucky Locals", because, being promoted in the cadres of regiments which had mutinied and murdered many of their officers, they were able to retire on a full pension at a comparatively early age. Promotion in the General List and in the Staff Corps was fixed on a time-scale. After twelve years' service, reduced afterwards to eleven, and later to

nine, an officer became a captain; after twenty, reduced afterwards to eighteen, a major; after twenty-six a lieutenant-colonel; and after thirty-one a colonel; but officers in civil and political employ were afterwards very properly debarred from rising above the rank of lieutenant-colonel. The Company's military college at Addiscombe was closed, and new appointments to the Staff Corps were made only from British regiments. At a later date those examined for entrance to Sandhurst competed for commissions in the Indian Army, and on leaving the college were placed on an Unattached List, and, as had been recommended by Munro, were attached for a year to British regiments serving in India, before being posted to native regiments.

The establishment of each Staff Corps was calculated to provide the number of officers required for service with native regiments, on the staff and in army departments, and in civil and political employ, and the establishments of presidency armies and local forces were fixed as follows: Bengal army, nineteen cavalry and forty-nine infantry regiments; Madras army, four cavalry and forty infantry regiments; Bombay army, seven cavalry and thirty infantry regiments, and two batteries of artillery; Panjab frontier force, six cavalry and twelve infantry regiments, and five mountain batteries; local irregular corps, two cavalry and five infantry regiments; Hyderabad contingent, four cavalry and six infantry regiments, and four field batteries. When the reductions were complete the forces in India amounted to 65,000 British and 140,000 native troops.

The uniform of the regular native armies, simple at first, had gradually been assimilated in style and cut to that of British troops, and had become most unsuitable to the Indian climate, but after the Mutiny it was much modified. The shako and the Kilmarnock cap were discarded in favour of the turban, and long, closely fitting trousers in favour of wide breeches, or knickerbockers, and puttees, approaching the Indian rather than the European style of dress.

After the second Afghan War, which broke out in 1878,[1] and severely taxed India's military resources and organisation, many reforms were carried out, and in 1885, when the Panjdeh incident[2] presaged the possibility of war with Russia, it became necessary to prepare the army in India to meet a European enemy. The British force in the country was increased by 10,600 men, bringing its strength to 73,500, and substantial additions to the Bengal and Bombay armies brought the numbers of the native troops up to 154,000.

Until the Mutiny military officers in civil or political employ had been retained on the establishments of their regiments, unjustly blocking the promotion of those who remained with the colours, and an officer had been permitted to rejoin the regiment when it was ordered on active service, or when the officer in question succeeded,

[1] Cf. pp. 417 *sqq.*, *infra*. [2] Cf. pp. 424–5, *infra*.

by seniority, to the command. After the Mutiny, when British officers were graded, according to length of service, in the three presidency Staff Corps, an officer transferred to civil or political employ was no longer borne on the strength of a regiment, but he retained the right of reverting, when he wished, to military employ, and of promotion, by seniority, to the rank of general officer, and at the age of fifty-five, when he was considered too old for civil or political duties, his services were replaced at the disposal of the commander-in-chief of the presidency to which he belonged, and he was eligible for appointment to an important command. This practice of allowing officers to return to military duty after long periods of absence in civil or political employ was most injurious to the efficiency of the service, owing to their inevitable incompetence. This was less noticeable before the introduction of arms of precision and rapid fire, but even in the days of Dundas's *Manœuvres* and the flint-lock musket it was already apparent. Sir John Malcolm behaved gallantly at the battle of Mahidpur, but his behaviour was that of a cornet of horse, not of a general officer.[1] At a later period an officer commanding a regiment of native infantry was thus satirically described:

> For twenty-seven years has old Capsicum been on civil employ at that out-of-the-way district Jehanumabad, and the blossoms of his early military career, now ripened into fruit, are exemplified by a happy obliviousness of everything connected with the military profession. The movements of a company might possibly be compassed by his attainments, acquired through the instrumentality of "dummies" on his dining-room table; but of battalion and brigade manœuvres, I suspect he knows about as much of them as the Grand Lama![2]

The disaster of Maiwand at length convinced the authorities of the danger of entrusting the command of troops, especially in the field, to those who had in fact long ceased to be soldiers; and later, officers, after ten years' absence from military duty, were transferred to a supernumerary list, and deprived of the right of returning, in any capacity, to the army, though in order to entitle them to their pensions they continue to receive promotion up to the rank of lieutenant-colonel. At the age of fifty-five their services are still replaced at the disposal of the commander-in-chief in India, but this is a mere formality, and their retirement on a military pension is immediately gazetted.

The pacification of Upper Burma after its annexation in 1886 occupied some years, and, in order to set free the large number of regular troops detained in the country, battalions of military police were raised to suppress the prevalent disorders.

The inferior quality of the material to which the Madras army was restricted for recruiting purposes had been discovered even before the end of the eighteenth century, and it had certainly not improved since that time. In each war in which Madras troops had taken the field

[1] Prinsep, *Transactions*, p. 24.

[2] Atkinson, *Curry and Rice*, "Our Colonel".

beside those of Bengal and Bombay, their inferiority had been apparent, and the third Burmese War convinced the authorities that the Madras infantry regiments, with very few exceptions, were almost worthless as soldiers. After that war eight Madras regiments were converted into Burma regiments, which, though they remained nominally on the strength of the Madras establishment, were recruited from the warlike races of Northern India, and were permanently quartered in Burma. In 1895 the recruitment of Telingas was discontinued; between 1902 and 1904 two of the Madras regiments were converted into battalions of Moplahs, one into a Gurkha corps, and nine into battalions of Panjabis; and the cavalry regiments, which in 1891 had been converted from four three-squadron into three four-squadron regiments, were stiffened by a large infusion of personnel from the Panjab.

In 1900 the native infantry throughout India was assimilated to the British, and to that of continental armies, by the conversion of its eight-company battalions into four-company battalions, which was effected by combining the companies. For the purposes of internal administration the eight companies remained, as before, under the command of their native officers, but on parade and in the field the double company was commanded by a British officer, and to each battalion four double-company commanders, instead of two wing commanders, were allowed, and each double-company commander was assisted by a British double-company officer.

The independent development of the presidency armies has already been mentioned. Its results were strange, and the presidency sentiment, a peculiar form of local patriotism, was very strong, not only in the Indian ranks, but among British officers also, and did not die until the present century, if, indeed, it is quite dead yet. Three armies, each with its own commander-in-chief, subject to its own local government, and governed by its own code of regulations, but all commanded by British officers, grew up in the same British possession as strangers and objects of curiosity, each to the others. The "*Qui-hi*", the "Mull", and the "Duck",[1] as the British officers of the three presidencies were termed, might almost have been regarded as men of different nations.

It is told of a gallant veteran of the old Bengal Artillery, who was full of "Presidential" prejudices, that, on hearing the Bombay Army commended by a brother officer, he broke out in just wrath: "The Bombay Army! Don't talk to me of the Bombay Army! They call a *chilamchi* a *gindi*—the beasts!"[2]

Many other stories of this nature illustrate a sentiment which long prevailed, but is now, probably, almost obsolete.

In 1891 the Staff Corps of the three presidencies were amalgamated, and became the Indian Staff Corps, and in 1893 the offices of commander-in-chief in Madras and Bombay were abolished, and the

[1] Yule and Burnell, *Hobson-Jobson* (2nd ed.), s.vv.

[2] *Idem*, p. 196.

control of the two armies was withdrawn from the local governments. The pretence that service with a native regiment was service on the staff, no longer necessary as a bait for candidates, could not now be maintained, and in 1903 the Indian Staff Corps was renamed the Indian Army.[1]

Under the presidency system the Madras army, for reasons already given, had been gradually reduced; the Bombay army had remained stationary; but the Bengal army had so grown, with the expansion of the territory which it garrisoned, as to become a force too unwieldy for one command. In 1895, therefore, the three old presidency armies were converted into four Army Commands, the Bengal army being divided into the Panjab and Bengal Commands, and the other two armies forming the Madras and Bombay Commands. Each Command was placed under a lieutenant-general, to whom was delegated much of the authority exercised until then by army headquarters. In 1904 almost the last vestiges of the old presidency system were swept away by the renumbering of the regiments, which were incorporated in one list, and numbered consecutively, the Bengal regiments coming first, the Madras next, and the Bombay last. Some attempt was made to retain an indication of the old numbering. Thus, the 1st Madras Lancers became the 21st Lancers, the 1st Madras Infantry (Pioneers) the 61st Pioneers, and the 1st Bombay Infantry (Grenadiers) the 101st Grenadiers, the gaps in the consecutive numbering being filled, as far as possible, by the incorporation in the regular army of irregular and local corps. In 1903, for example, a new arrangement made with the Nizam regarding the province of Berar, which had been assigned to the Government of India in 1853 for the maintenance of the Hyderabad contingent, made it possible to incorporate that force in the regular army, and its regiments helped to fill gaps in the numbering of the regiments of the presidency armies.

In 1907 the four Army Commands were changed into Army Corps Commands, each corps containing two or more divisions. The Northern Command comprised the 1st (Peshawar), 2nd (Rawulpindi) and 3rd (Lahore) Divisions; the Western Command the 4th (Quetta), 5th (Mhow) and 6th (Poona) Divisions; and the Eastern Command the 7th (Meerut) and 8th (Lucknow) Divisions. Two divisions, the 9th (Secunderabad) Division and the Burma Division, remained directly under the commander-in-chief.

In the second Afghan War the Panjab native states placed at the disposal of the government contingents of troops which did good service on the frontier, and in 1885, when war with Russia seemed almost inevitable, the ruling princes, with that loyalty to the crown which they have seldom failed to display on critical occasions, offered their resources to the government. The offer was accepted, and in 18

[1] Proclamation by Lord Curzon, at the Coronation Durbar of King Edward VII, in 1903.

the contribution of military force to be made by each state was determined, and constituted the force known as the Imperial Service Troops. These, in times of peace, are under the control of the princes who furnish them, and are commanded by Indian officers appointed by them, but they are trained and disciplined under the supervision of British inspecting officers appointed by, and responsible to, the Government of India.

The last war subjected the resources of India, no less than those of all parts of the empire, to a severe strain. The narrow limits of a single chapter preclude anything of the nature of a complete account of India's contribution of men, material, and money to the war, or a record of the services rendered by Indian troops of all classes, but in 1914 an Indian army corps was dispatched to France, and there, during a winter so inclement as to try severely men born and bred in Northern Europe, endured not only the onslaughts of the German army, but the hardships and the horrors of trench life. Indian troops fought not only in Flanders, but in East Africa and Turkey, on the Egyptian frontier, in Palestine, and in Mesopotamia, and kept the peace in Southern Persia; and during the war the Government of India recruited, on a voluntary basis, over 680,000 combatants and 400,000 non-combatants, and more than 1,215,000 officers and men were sent overseas on service, the Indian casualties amounting to 101,000.[1]

The Imperial Service Troops, among whom that fine old soldier, the late Maharaja Pratap Singh, was the most prominent figure, were a valuable addition to the forces of the crown, and distinguished themselves in many actions, but among the most interesting and satisfactory conclusions reached by critics who studied the conduct of various classes in the war was one which related to classes regarded as respectable soldiers, but not in the first rank of fighting men. Of Pathans, Gurkhas, Panjabi, Musalmans and Sikhs much was expected, nor did they disappoint their advocates, but the Jats and Marathas displayed a fine fighting spirit.

Until the outbreak of this war Indian sepoy officers had held the viceroy's commission, the highest ranks which they could reach being those of risaldar major in cavalry and subadar major in infantry regiments, but in 1917 they were made eligible for the king's commission in the rank of lieutenant, and in all ranks to which a lieutenant may rise. An endeavour is now being made to entrust the charge of whole battalions, by degrees, to Indian officers, who are being appointed to them as lieutenants, and will in the ordinary course of promotion hold all the commissioned ranks in them, but it cannot yet be judged how the experiment will succeed.

In 1922 the Indian Army was radically reorganised.[2] The number of cavalry regiments was reduced, by the amalgamation of existing

[1] O'Dwyer, *India as I knew it*, pp. 417–23.
[2] *Gazette of India*, *Army Orders* and official *Army Lists*.

regiments, from thirty-nine to twenty-one; the number of mountain batteries was fixed at nineteen, with an additional section for Chitral; the engineers remained three distinct corps, the Bengal, Madras and Bombay Sappers and Miners; and the infantry was organised in four regiments of pioneers, nineteen regiments of the line, and ten regiments of Gurkha Rifles. Three of the pioneer regiments and the regiments of the infantry of the line consist of service battalions varying in number from two to five, and a depôt battalion stationed permanently at the regimental centre, in the area from which the regiment is recruited. The duty of the depôt battalion, which is always numbered as the tenth, to admit of the consecutive numbering of additional service battalions to be raised and formed when necessary, is to keep the service battalions supplied with trained soldiers. One of the pioneer regiments, the Hazara Pioneers, and the ten regiments of Gurkha Rifles are recruited beyond the limits of British India, and cannot, therefore, be organised on a territorial basis. The establishment of each of these regiments is two battalions.

The old commissariat and transport corps, or departments, have been reorganised as the Indian Army Service Corps; a proportion of the infantry is trained as mounted infantry and a proportion as machine gunners. The medical and all other departments of the army have been reorganised in accordance with the lessons learned in the late war.

An Auxiliary Force, raised from Europeans and British subjects of mixed descent, and enrolled for local service only, consists of units of all arms, with a total strength of about 36,000, and the Territorial Force, composed wholly of Indians, consists of eighteen provincial battalions affiliated to regular regiments, four battalions of urban infantry in process of formation, eleven University training corps, and a medical branch, with a total strength of about 19,000. The provincial battalions are liable to general service in India, or, in case of emergency, beyond the Indian frontier, and the urban battalions to service within the province in which each is situated, but the University training corps are subject to no liability.

Of the combatant ranks of the regular army the Panjab alone supplies nearly half, and the Panjab, the North-West Frontier Province, Kashmir and the United Provinces together over 64 per cent., the independent state of Nepal 12 per cent., the Bombay Presidency and Rajputana each under 4½ per cent., and the Madras Presidency rather more than 2½ per cent. The great province of Bengal, with a population of forty-eight millions, supplies not a single soldier, nor does the neighbouring province of Assam, with a population of eight millions. The contributions of other provinces, with the exception of Burma, which contributes nearly 2 per cent., are negligible.[1]

[1] *Simon Report*, I, map facing p. 96; O'Dwyer, *op. cit.* pp. 417–23.

CHAPTER XXIII

CENTRAL ASIA, 1858–1918

THROUGHOUT the second half of the nineteenth and the early years of the twentieth century Central Asia continued to provide the chief problem of Indian external policy. In some respects the problem had been simplified by the course of events since the first Afghan War. The conquest of Sind and the Panjab had placed the Government of India in direct contact with the region concerned. But this tendency was more than offset by other changes. Developing communications were intensifying the reactions of regional interests. European needs took an ever-increasing share in determining Indian policy. In 1857 Canning could write of "a fear at the India House that government are going to do as Hobhouse boasted he had done, and dictate from London what the Government of India shall do in Afghanistan".[1] The fear became a reality. Half a century later Morley wrote from the India Office: "The plain truth is...that this country [Great Britain] cannot have two foreign policies";[2] and from the Foreign Office Sir Charles Hardinge observed of the negotiations for the entente with Russia: "Recently we have left the Government of India entirely out of our account".[3] In the old days, the Government of India, as a member of it declared, "could, if we saw good, have marched our army to Candahar or Herat, and trusted to the Court [of Directors] approving".[4] Foreign policy had been a matter in which the governor-general had enjoyed a greater liberty of conduct than in any other branch of his administration. The exigencies of political action, the needs of a swiftly developing situation, had permitted him, in the days before the Red Sea cable was laid in 1870, to confront the home authorities with accomplished facts, with a formal declaration of war or annexation of territory, in which they could not but acquiesce, however reluctantly. But in the new period telegraph and cable invested distant incidents with a growing influence upon European politics and at the same time permitted European cabinets to control action which in the past had depended on the wide discretion of local governors. Even Curzon's vigour and determination had been barely able to restore to the Government of India the phantom of its old authority; and what he could not achieve lesser men could not even attempt.

Nor was the growing predominance of European control the sole

[1] Fitzmaurice, *Life of Granville*, I, 153.
[2] *Recollections*, II, 179.
[3] Gooch and Temperley, *Origins of the War*, IV, 294.
[4] Martineau, *Life of Frere*, I, 245.

difficulty with which the Government of India had to contend. Unluckily external policy was the one aspect of Indian political affairs which was capable of exciting interest in Great Britain. Nourished on the myth of Anglo-Indian aggressiveness, accepting without question the extravagance of Burke and the far less justifiable falsehoods of Macaulay's essay on Warren Hastings, Radical opinion perceived aggression behind every measure of Indian defence; in their eyes the frontier tribes were a race of wronged and noble savages, and the Afghans a nation rightly struggling to free itself from the meshes of intrigue cast around it by a malevolent Indian Government.

At the outset, in 1858, the governor-general still retained much of his former influence and discretion. The situation, however, was obscure. In 1844 the visit of the emperor Nicholas I to England had resulted in an understanding formulated in a memorandum prepared by Count Nesselrode. This document declared that Russia and Great Britain would work together to preserve the internal peace of Persia, and that the khanates of Central Asia—Bokhara, Khiva, and Samarkand—should be left "as a neutral zone between the two empires in order to preserve them from a dangerous contact".[1] For ten years this understanding had been observed. But the Crimean War had ended it without establishing any substitute in Central Asia. Indeed from that time onwards British policy was constantly but unsuccessfully directed towards restoring the situation as it had stood from 1844 to 1854.

Meanwhile, for ten years after the restoration of Dost Muhammad as the ruler of Kabul, British relations with Afghanistan had been undefined but sullen.[2] They were modified under the pressure of Persian eagerness to expand eastwards and reconquer Herat and Kandahar. The former city had been seized by the Persians in 1852 and only relinquished under threats of vigorous British action. In 1854 the place was again attacked. Herbert Edwardes, the commissioner at Peshawar, perceived in this a heaven-sent occasion to re-establish a definite friendship with Dost Muhammad. The chief commissioner of the Panjab, John Lawrence, thought little of the proposal; but Dalhousie was convinced of its propriety, and with his approval Edwardes spent some months coaxing the amir into making overtures to the British Government.[3] The result was a treaty signed early in 1855, by which the Government of India bound itself not to interfere with the amir's territories, while he in return agreed to be "the friend of the friends and the enemy of the enemies of the Honourable East India Company".[4] In one respect the treaty fell short of what Dost Muhammad had desired. He had sought to extract

[1] *Étude diplomatique sur la guerre de Crimée*, I, 11 *sqq.*
[2] *Memorials of Sir Herbert Edwardes*, I, 236.
[3] Bosworth Smith, *Life of Lord Lawrence*, I, 450, 452; *Memorials of Sir Herbert Edwardes*, II, 239, 447.
[4] Aitchison, *Treaties*, XI, 340.

a promise never to send an envoy to Kabul. This was deliberately refused. The Afghan negotiator was to be assured (the instructions said)

that the Government of India has no intention of sending and no wish to send a representative to the court of Cabul; but it should be pointed out to him that this government could not in prudence bind itself *never* to depute a representative to the Ameer, for if Russia or other powers should be represented by envoys at Cabul, the interests of the British government would plainly suffer injury if no envoy were present on its behalf.[1]

In 1856 Herat was again seized by the Persians, who boasted to their Russian friends that they would occupy Kandahar and establish themselves on the borders of the Panjab.[2] This led to war, not only with the amir of Kabul but also with Great Britain. A force was dispatched from Bombay,[3] and the amir was assisted with money and arms, the employment of the subsidy being placed under the inspection of British officers, who were to be withdrawn as soon as the war was over.[4] The Persians speedily came to terms by a treaty signed at Paris on 4 March, 1857. The most interesting point of this agreement was the care taken by the Russian Government to secure the exclusion of English consuls from the Caspian ports, on the ground that their appointment could have none but a political object.[5]

For some years after this the Afghan question fell into a calm. Dost Muhammad was busily consolidating his power. In 1862 he attacked Herat. Though the governor-general, Elgin, admitted that in this he was not the aggressor, the Government of India signified its disapproval by recalling the *vakil*—the Muslim agent—who had been maintained at Kabul since 1857.[6] Ignoring this protest, Dost Muhammad persisted in his attack, took the place in 1863, and died shortly after at the age of eighty. He had designated his son, Sher 'Ali, as his successor. But in Afghanistan as in Moghul India, theoretical rights of succession counted for little in comparison with force. A prolonged period of fratricidal war ensued, now one, now another of Dost Muhammad's sixteen sons gaining the upper hand. In 1864 Afzal Khan and Azim Khan rebelled; in 1865 Azim Khan and his nephew Abd-ur-rahman rose; in 1866 Sher 'Ali was driven from Kabul and in 1867 from Kandahar; in 1868 he suddenly recovered them.[7] An incident of one of the actions of this period well illustrates the proud ferocity with which the struggle was conducted. Amin Khan, Sher 'Ali's full brother, was killed fighting against him. His dead body was brought in triumph to Sher 'Ali. "Throw the body of this dog away", he said, "and bid my son come and congratulate me on the victory."

[1] *Memorials of Sir Herbert Edwardes*, I, 242.
[2] Dispatch from Anitschkoff, 27 October (O.S.), 1856 (*Legation Archives*, VII, e).
[3] Goldsmid, *Life of Outram*, II, 130 *sqq.*
[4] Aitchison, *op. cit.* XI, 342.
[5] Gortchakoff to Lagofsky, 26 February (O.S.), 1857 (*Legation Archives, loc. cit.*).
[6] Walrond, *Elgin's Letters and Journals*, pp. 417, 419.
[7] A detailed narrative will be found in Wylly, *External Policy of India*, pp. 1 *sqq.*

His officers, not daring to tell him that his son also had fallen, brought his body. "Who is this other dog?" the amir demanded. But when the corpse had been laid at his feet and he knew it for his son's, he rent his garments and cast dust upon his head.[1]

Throughout this period, under the influence of John Lawrence, the Government of India pursued that policy of inactivity which some have called "masterly",[2] although in truth it consisted merely in waiting upon events. Upon the generation that had witnessed the Indian Mutiny, Lawrence's vigour of character and singleness of purpose produced a remarkable effect. His opinions were accepted as oracles, and men forgot or ignored the fallibility of his judgment. Even Lord Salisbury, during his first tenure of the India Office as Lord Cranborne in 1866–7, "whole-heartedly" approved Lawrence's ideas of Afghan policy.[3] Lawrence had always disliked the idea of alliance with the ruler of Afghanistan.[4] Both before and after Dost Muhammad's death he had done his utmost to prevent the government from taking any part in Afghan politics, on the score that the British could not make a true friend of the amir. But his views (as Dalhousie observed with customary incisiveness) were based on the fallacy that the Afghans were too foolish to recognise their own interests.[5] Accordingly as Sher 'Ali, and then Afzal Khan, and then Azim Khan, and then Sher 'Ali once more, succeeded in establishing themselves as successive rulers of Kabul, the Indian Government was content with recognising each in turn. Thrice in 1866 Sher 'Ali asked for English help. Afzal Khan did the same. Lawrence, then governor-general, ignored the former's letters and bluntly told the latter that if he could solidly establish his power he might hope to be received into the English alliance.[6]

This policy was the belated result of the old dogma of non-intervention which in India had produced little but undesired and unexpected war. Nor had it here even the excuse which it had had in regard to the Indian states. From the time of Wellesley onwards the Indian states had been dominated by the power of the Company, and in them rival claimants could not turn from the great power which refused assistance to any other great and neighbouring power. But the Afghan rivals could and did. They applied to Russia and to Persia for help,[7] as might have been foreseen. The policy of inactivity was brought at once to a hasty end, and Lawrence advised that foreign assistance should at once be countered by a supply of money and arms to the side not leaning on Persian or Russian support.[8] When the home government gave him a free hand in the matter,[9] he did not

Abd-ur-rahman, *Autobiography*, I, 63.
[2] Cf. Wylly, *op. cit.* p. 115.
Lady Gwendolen Cecil, *Life of Lord Salisbury*, I, 206.
Bosworth Smith, *op. cit.* I, 450.
[5] *Memorials of Sir Herbert Edwardes*, I, 239.
Wylly, *op. cit.* pp. 76, 45.
[7] *Idem*, pp. 103 *sqq.*
Dispatch, 3 September, 1867 (*Parl. Papers*, 1878–9, LVI, 392).
Dispatch, 26 December, 1867 (*idem*, 398).

even wait for the contingency to arise, but at once subsidised Sher 'Ali, who with this help speedily made an end of the remaining resistance to his authority.

But great harm had been done. Abd-ur-rahman, for instance, on being driven out of Afghanistan by his uncle, Sher 'Ali, hesitated for a moment whether to seek shelter with the Russians or the English; but as he "had never seen the benefit of English friendship",[1] he chose the Russians. Sher 'Ali himself declared that "the English look to nothing but their own interests and bide their time".[2] The force of these views was strengthened by the contemporary contrast between English and Russian policy. To the south-east of the Russian provinces lay four khanates—Khokand, Bokhara, Khiva and Samarkand—with vague, undefined frontiers, separated from their northern neighbour by considerable stretches of desert. At the time of the first Afghan War, some Russian activity had developed in this area, but the understanding of 1844 had brought it completely to an end. No relations had been maintained with the khanates; and it is at least highly probable that the sudden change which occurred in 1858 was produced more by political motives than by the supposed necessity of imposing order on barbarous neighbours. In that year a mission of enquiry, accompanied by a large body of topographers, was dispatched under Ignatieff, to collect information about military conditions, roads, and means of transport. The khanates had fallen away greatly from their old greatness. They still abounded in schools; but the studies pursued in them were the mere repetition of past and obsolete knowledge.[3] They were poorer, less populous, more fanatical. The people of Samarkand believed that no infidel enemy could survive polluting with his feet ground so hallowed by the dust of the blessed.[4] But the withering of their rivers had dried up their wealth, weakened their governments, and exhausted their man-power.

In these circumstances their absorption by the Russian Empire was as nearly a natural process as anything political can be. In government, in social organisation, in religion Russia was essentially Oriental. In power and functions the emperor at St Petersburg was a cousin of the Oriental monarchs. Apart from him and the functionaries who represented him there was only the active local life of the villages, and the Orthodox Church was the one branch of Christianity which had not been occidentalised. Russian predominance would involve no violent change, and its establishment would be nothing more than a new illustration of that everlasting ebb and flow of power which has characterised the Eastern world.[5] This expansion began shortly after the Crimean War. In 1864 Russian authority touched the borders of

[1] Abd-ur-rahman, *op. cit.* I, 111.
[2] Rawlinson, *England and Russia*, p. 303.
[3] Vambéry, *Central Asia*, p. 235.
[4] Vambéry, *Western Culture in Eastern Lands*.
[5] Cf. Vambéry, *Central Asia*, pp. 36–7, 231

Khokand, Bokhara, and Khiva. In the next year Tashkent was occupied. In 1867 the new province of Russian Turkestan was constituted, with Kaufmann as its first governor-general. In the same year Bokhara was reduced, after sending a desperate appeal for help to the governor-general of India, John Lawrence,[1] and became a subsidiary ally of the emperor. In 1873 Khiva submitted, placing in the hands of Russia the management of all its external relations.[2] The administration established to manage these new possessions and control these new dependencies was purely military, and all reports went to the War Office at St Petersburg.[3]

The motives of this expansion were complex. There were in the first place the difficulties perpetually arising with semi-civilised, misgoverned neighbours, who would think nothing of pillaging a caravan and reducing the merchants to slavery. All the evidence agrees that the Turkoman tribes were false, greedy, envious, ferocious.[4] Russian diplomatists were always ready with this explanation, hinting that Russian expansion in Central Asia was in all respects similar to British expansion in India—a parallel which liberal opinion in England was ever ready to accept. Military organisation, too, made for expansion. Military governors could not look for rewards and promotion by a peaceful administration. In 1869 Kaufmann's appointment as governor-general was defended by Prince Gortchakoff expressly on the ground that he had already gained every honour that a Russian general could hope for.[5] But this was not all. There was another yet more powerful reason for expansion. It was designed in the political interests of Russia. "Great historical lessons", ran the instructions of the new ambassador, Baron de Staal, appointed to London in 1884,

> have taught us that we cannot count on the friendship of England, and that she can strike at us by means of continental alliances while we cannot reach her anywhere. No great nation can accept such a position. In order to escape from it the emperor Alexander II, of everlasting memory, ordered our expansion in Central Asia, leading us to occupy to-day in Turkestan and the Turkestan steppes a military position strong enough to keep England in check by the threat of intervention in India.[6]

This position had been prepared, though not completed, while Lawrence was still pursuing his policy of inaction, and demanding that the Russian question should be solved by coming to an agreement in Europe instead of by securing advanced positions in Asia. He seems wholly to have ignored the point that unless England could entrench herself so strongly in Central Asia as to convince Russia of the futility of movements in that direction an agreement in Europe could only be reached by subordinating English to Russian interests on the continent.

1 Wylly, *op. cit.* p. 92; cf. Rawlinson, *op. cit.* p. 397.
2 Treaty, 12 August, 1873 (*Parl. Papers*, 1874, LXXVI, 171).
3 Boulger, *Central Asian Questions*, p. 14.
4 Cf. Curzon, *Russia in Asia*, p. 118.
5 Clarendon to Buchanan, 3 September, 1869 (*Parl. Papers*, 1873, LXXV, 727).
6 Meyendorff, *Correspondance diplomatique du Baron de Staal*, I, 26.

The Russian advance had led to diplomatic discussions, directed on the British side towards re-establishing some such neutral zone between the empires as had existed from the Afghan to the Crimean wars. At this later period the most acute English students of the Central Asian question urged that the Oxus should be taken as the ultimate dividing line of the respective spheres of interest.[1] But this was a position which Russia could not now be induced to accept. She claimed exclusive and complete control down to the northern bank of that river and was only ready to discuss the establishment of a neutral zone provided it began appreciably beyond that point. When therefore Clarendon initiated discussions with Gortchakoff in 1869, the emperor declared the idea of a neutral zone to be highly pleasing, but the dispatch announcing this pointed to Afghanistan as an appropriate neutral zone.[2] After consulting the India Office, Clarendon replied "that Afghanistan would not fulfil those conditions of a neutral territory that it was the object of the two governments to establish, as the frontiers were ill-defined".[3] This feeble answer, which gave away a considerable part of the British case, led to a discussion of the alignment of the northern Afghan frontier and an agreement early in 1873 by which Russia virtually gained her point at the trifling cost of admitting Badakshan and Wakhan to form part of the Afghan kingdom.[4] The Russian policy now was to advance up to the effective borders of Afghanistan, and to get rid altogether of uncontrolled or unoccupied territory in that area. This plan was supported both by political motives and by sound administrative principle. As Brunnow pointed out to Clarendon, neutrality as understood in Europe could not be applied to Asia. The chiefs and peoples of Central Asia cared nothing for the international law of Europe, and neutralisation would merely become *un brevet d'impunité*. Bokhara and Khiva were mere robber-states, and could not hope for such protection as in Europe covered states like Belgium and Switzerland.[5] All that was really obtained was an admission that Russia regarded Afghanistan as beyond her sphere of interest.

Meanwhile various endeavours had been made to remove the unfavourable impressions produced upon Sher 'Ali by Lawrence's policy, which, even before Lawrence's retirement from the governor-generalship in 1869, was already recognised by its author as inadequate. As has been seen, Lawrence at last decided to give Sher 'Ali material help, and in 1868 offered to meet the amir and discuss with him the political situation.[6] This meeting never took place; but in

[1] Rawlinson, *op. cit.* p. 311.
[2] Gortchakoff to Brunnow, 7 March, 1869 (*Parl. Papers*, 1873, LXXV, 720).
[3] Clarendon to Rumbold, 17 April, 1869 (*idem*, 722).
[4] Gortchakoff to Brunnow, 31 January, 1873 (*idem*, 709); cf. Granville to Gladstone, 30 September, 1873 (Fitzmaurice, *op. cit.* II, 413).
[5] Brunnow to Gortchakoff, 17 April, 1869 (*Legation Archives*, XXIII).
[6] Lawrence to Northcote, 10 October 1868 (Bosworth Smith, *op. cit.* II, 401).

March, 1869, Lawrence's successor, Lord Mayo, met the amir at Ambala. Many English writers have chosen to represent this conference as a great success,[1] at which the savage chief was deeply impressed by the disinterested generosity of the British Government. But Sher 'Ali was seeking two advantages, for which he would have conceded a good deal. He desired an alliance with the British to bind them to support him against external attack, and he desired a promise that the British would never acknowledge "any friend in the whole of Afghanistan save the amir and his descendants".[2] Instead of any such specific agreement, he could only extract a letter in which Mayo said that the Government of India would "view with severe displeasure any attempts on the part of your rivals to disturb your position", and that it would "further endeavour...to strengthen the government of Your Highness".[3] These encouraging but non-committal statements were too reminiscent of the government's attitude during the late wars of succession to permit the amir to rely overmuch upon them. A considerable impression was made upon him by Mayo's personal charm, fine presence, and winning manners; the tone of the governor-general was more friendly; but the policy of the government had not yet changed in any material respect.

Though disappointed in 1869, Sher 'Ali was constrained by circumstances to make one more trial of the English Government. The absorption of the khanates on the Oxus was full of warning. Early in 1873 he told the English *vakil* at Kabul, that the advance of the Russian boundary gave him great anxiety that weighed upon him day and night and that therefore he proposed to send one of his agents to wait upon the governor-general and ascertain his views.[4] This proposal led to the conference held at Simla in the following July.

> The envoy asked that a written assurance might be given to him to the effect that if Russia, or any state of Turkestan or elsewhere under Russian influence, should commit an aggression on the amir's territories, or should otherwise annoy the amir, the British government would consider such aggressor an enemy, and that they could promise to afford to the amir promptly such assistance in money and arms as might be required until the danger should be past or invasion repelled. Also that if the amir should be unable to cope single-handed with the invader, that the British government should promptly despatch a force to his assistance by whatever route the amir might require the same.[5]

In view of this request and the general situation, the governor-general, Lord Northbrook, proposed "assuring him that if he unreservedly accepts and acts on our advice in all external relations, we will help him with money, arms and troops if necessary to expel unprovoked invasion. We to be the judge of the necessity".[6] This policy, if adopted,

[1] E.g. Hunter, *Life of Lord Mayo*, I, 262.
[2] Mayo to Argyll, 1 July, 1869 (*Parl. Papers*, 1878–9, LVI, 466).
[3] Mayo to Sher 'Ali, 31 March, 1869 (*idem*, 464).
[4] Agent, Kabul, to Commissioner, Peshawar, 14 April, 1873 (*idem*, 647).
[5] Memorandum of conversation, 19 and 20 July, 1873 (*idem*, 675).
[6] Telegram to the secretary of state, 24 July, 1873 (*idem*, 482).

might have proved decisive in the development of the Central Asian question. Its rejection was as decisive as its adoption might have been. The Duke of Argyll at the India Office, and a majority of the Council of India, were convinced adherents of the Lawrence policy. Mr Gladstone's first cabinet, then in office, combined a detestation of Russian government with a curious tolerance of its expansion. It was, therefore, resolved to reject Northbrook's proposal, on the ground that the amir had no real cause for alarm, and to limit the governor-general's assurances to a declaration that "we shall maintain our settled policy in Afghanistan".[1] This decision was well-meant. But its authors lacked imagination to perceive that it could not appear reassuring to Sher 'Ali. To him it could mean nothing but a continuation of the Lawrence policy of helping those who no longer needed assistance. This criticism which Cranbrook passed in 1878 on his predecessor's management of the situation seems amply justified.[2]

The ill-effects produced by the abortive Simla conference were emphasised by two other occurrences. The Government of India had undertaken the thankless task of arbitrating on the boundary claims of the Persians and Afghans in Seistan. This was a most ill-advised measure. It may have been desirable that a long-standing subject of dispute between the two states should be removed. But the more equitable the decision, the more certain would it be to irritate both the shah and the amir, for each would feel that his interests had been neglected. At a moment when the influence of Russia was visibly waxing, the Government of India would have done well to avoid needless causes of friction between itself and its Western neighbour. But the arbitration was held; the decision went in some details against Afghanistan; and both sides resented British impartiality as a substantial measure of injustice.[3]

Worse still, Sher 'Ali installed one of his sons, Abdullah Jan, as heir apparent,[4] in supersession of an elder son, Yakub, who, according to the Afghan custom, was rebelling against his father. When this selection was communicated to the Government of India, the answer was "designedly couched, as nearly as circumstances admit, in the same language as that in which in 1858 the Punjab Government were instructed to reply to the letter from Dost Mahomed Khan intimating the selection of Shere Ali as heir apparent".[5] Perhaps the government was wise to desire not to commit itself to the support of a future claimant who might prove to be incapable. But it blundered in suggesting to Sher 'Ali that his favourite son could look for no greater assistance than he himself had received before imprisonment, death or exile had freed him from his own rivals.

1 Telegram to Northbrook, 26 July, 1873 (*Parl. Papers*, 1878–9, LVI, 482). 2 *Idem*, 636.

3 Cf. Sir F. J. Goldsmid, *Eastern Persia*, 2 vols. 1876; *Parl. Papers*, 1868–9, XLVI, 483–6. The original reports are in F.O. 60–392, 393.

4 Cf. *Encyclopaedia of Islam*, s.v. Abdur-rahman.

5 Dispatch to Argyll, 23 January, 1874 (*Parl. Papers*, 1868–9, XLVI, 491).

Disappointed alike by the complaisance with which the British Government seemed to regard the Russian advance,[1] by the lack of special favour shown by the Seistan decision, and by the refusal to recognise Abdullah Jan as the future amir, Sher 'Ali naturally, if imprudently, concluded that he must make his own terms with Russia;[2] and circumstances conspired not only to assist him in doing so but also to deprive him of Russian help as soon as he had committed himself to Russia. The Russians met him more than half way. Afghanistan might lie outside the sphere of Russian interests; but it had become a neighbour of the Russian Empire; and intercourse could easily be explained away as a mere matter of frontier courtesy. So at first it was. In 1870 Kaufmann, the governor-general of Russian Turkestan, informed Sher 'Ali that, although his nephew Abd-ur-rahman had taken refuge in Tashkent, he would receive no assistance to wage war against his uncle.[3] This letter on its receipt was forwarded by Sher 'Ali to the Government of India, which in answer cited "the repeated assurances we have received from the Russian Government" and suggested that Kaufmann's letters "will doubtless be, when rightly viewed, a source of satisfaction and an additional ground of confidence".[4] When Sher 'Ali announced the nomination of Abdullah Jan, the Russian answered much more tactfully than the English governor-general, that "such nominations tend to the comfort and tranquillity of the kingdom".[5] From 1875 the interchange of letters became more frequent. Such as transpired were letters of compliment. But it was disquieting to watch the coming and going of the bearers without any real knowledge of what was passing behind the scenes.[6]

Moreover from 1874 these political events were being watched with greater jealousy and suspicion. In that year Gladstone's cabinet was succeeded by Disraeli's, Salisbury displaced Argyll at the India Office, and before long Lytton succeeded Northbrook as governor-general. The change involved a sharp swing of foreign policy both in Europe and in Asia. Disraeli was convinced that the late cabinet had lowered the influence of Great Britain in the world, especially by acquiescing easily and without due question in the explanations of its Central Asia policy offered by the Russian Foreign Office. He feared that unless precautions were taken Great Britain would suddenly find herself in a position of great political and strategic disadvantage. These views were fully shared by Salisbury and Lytton. Nor was this surprising. Of recent years Russian conduct had been most ambiguous. In January, 1873, for instance, Schuvaloff, who had been sent on a

[1] Cf. Lady Betty Balfour, *Lytton's Indian Administration*, p. 10.
[2] Cf. Yakub's statements to Roberts, *Forty-one Years in India*, II, 247.
[3] Kaufmann to Sher 'Ali, 28 March, 1870 (*Parl. Papers*, 1881, XCVIII, 335).
[4] Dispatch to Argyll, 24 June, 1870 (*Parl. Papers*, 1878, LXXX, 633).
[5] *Parl. Papers*, 1881, XCVIII, 343.
[6] Cf. telegram to Salisbury, 16 September, 1876 (*Parl. Papers*, 1878, LXXX, 533).

special mission to England, was assuring Granville that he might safely assure parliament that the emperor had issued positive orders against the occupation of Khiva.[1] Within a year Granville was complaining that Khiva had become a Russian province under a most thinly disguised protectorate.[2] His remonstrances[3] produced a declaration in March, 1874, that no expeditions were contemplated against the Tekke Turkomans, and that the emperor had peremptorily forbidden such a measure.[4] On 10 May following General Lomakin was appointed military governor of a new southern province and promptly issued a circular to all the Turkoman tribes in that area claiming supreme authority over them. The imperial government asserted that the circular had been misunderstood.[5] Just before Lytton set out for India the Russian ambassador conveyed to him the curious suggestion that Great Britain and Russia should unite to disarm the Muslim states of Central Asia.[6] A little earlier Kaufmann had been lamenting the hostility of Muslim opinion against Russian administration.

Meanwhile Kaufmann's correspondence with Sher 'Ali had increased rapidly. Lytton called attention to the fact that whereas the amir had at first sought the advice of the British Government concerning the replies which should be sent to Kaufmann's letters, he now had ceased to do so and was reported to be holding secret conferences with the bearers.[7] The British Foreign Office therefore sought from St Petersburg "a written disclaimer of any intention on their part to negotiate treaties with Sher 'Ali without the consent of Her Majesty's Government".[8] St Petersburg declared with great emphasis that Kaufmann's letters were merely complimentary.[9] But Salisbury found it difficult to accept these assurances, and asked that the correspondence might be wholly discontinued.[10] The Russian Government tacitly refused this request.[11] The Government of India thus summed up the position:

> The messages from General Kaufmann have not been despatched...only once or twice a year. During the past year they have been incessant. The bearers of them are regarded and treated by the amir as agents of the Russian government, and on one pretext or another some person recognised by the Afghan government as a Russian agent is now almost constantly at Kabul. We desire to submit to your Lordship's consideration whether our own conduct would be viewed with indifference by the cabinet of St Petersburg were the Government of India to open similarly friendly relations with the Khans of Khiva and Bokhara.[12]

[1] Granville to Loftus, 8 January, 1873 (*Parl. Papers*, 1873, LXXV, 706).
[2] Fitzmaurice, *op. cit.* II, 409, 411.
[3] *Parl. Papers*, 1874, LXXVI, 176.
[4] *Idem*, 1878, LXXX, 466.
[5] Rawlinson, *op. cit.* p. 338; *Parl. Papers*, 1878, LXXX, 474, 475.
[6] Lady B. Balfour, *op. cit.* p. 33.
[7] Dispatch to Salisbury, 18 September, 1876 (*Parl. Papers*, 1878, LXXX, 537).
[8] Derby to Loftus, 2 October, 1876 (*idem*, 534).
[9] Loftus to Derby, 15 November, 1876 (*idem*, 543; cf. 549).
[10] Salisbury to Derby, 27 January, 1877 (*idem*, 553).
[11] De Giers to Loftus, 5 March, 1877 (*idem*, 559).
[12] Dispatch to Salisbury, 3 May, 1877 (*idem*, 565).

Considerations of this kind, then, occasioned a reversal of the policy hitherto followed by the British Government towards the amir. Till 1874 that policy had been one of general inaction, of subsidies, smooth words, and an amiable acceptance of Russian assurances. The amir had wanted a definite agreement. Not getting it, he had inclined towards Russia, and listened, or at all events seemed to listen, to Russian overtures, either with a serious purpose of seeking external support from Tashkent or in the hope of alarming the Government of India into conceding what he wanted, or perhaps in the hope of being able to balance himself between the two great states—a policy demanding greater dexterity and more accurate information than the amir could command. But the new cabinet at London with disconcerting abruptness resolved upon action. It took the view which Lord Dufferin expressed so pointedly a few years later. "It would be manifestly futile", he wrote, "to base the safety of the North-Western Frontier of India upon any understanding, stipulation, convention or treaty with the imperial government." For this view Dufferin assigned a specific reason.

> "I do not mean to imply", he continued, "that the emperor and his ministers would wilfully violate their engagements; but the authority of the Russian executive is so slight, the control it exercises over its distant agents and military chiefs is so unsteady, and its policy is so designedly tentative, while the forces which stimulate the aggressive instincts of the nation are so constant, that little reliance could be ultimately placed upon mere verbal guarantees."[1]

Salisbury resolved to seek additional security in two directions—by occupying a more commanding position on the Afghan frontier itself, and by inducing the amir to accept British agents within his territories. The first measure had been eagerly advocated and bitterly opposed for a long time. Jacob, Rawlinson, Green and Frere had all urged the need of occupying Quetta, in order to establish a post on the further side of the hills, control the road to Kandahar, and threaten the flank of any invader seeking to move through the Khyber or Kurram Passes. Against these opinions was all the weight of Lawrence's influence, still strong on the council of the governor-general and the Council of India. But times had changed and Lawrence's arguments had come to seem far less unanswerable than before the advance of Russia. Despite the prolonged visits of elderly gentlemen who "positively stamped about the room",[2] Salisbury approved the occupation of Quetta under the treaty signed with the Khan of Kalat at the close of 1876.[3] These negotiations with Kalat had two objects, the first was military, as indicated above. The second was political. If the amir altogether refused to accept English agents, the Kalat mission might be "the father of the Central Asian Mission

[1] Dufferin to Salisbury, 16 March, 1880 (F.O. 65–1099).
[2] Lady Gwendolen Cecil, *Life of Salisbury*, II, 159.
[3] Lady B. Balfour, *op. cit.* pp. 96 *sqq.*

of the future. The agent would reside...chiefly at Quetta....He would have leisure for collecting information from Candahar—Herat —Cabul—and Balkh....English rupees would try conclusions with Russian roubles in the zenana and the divan".[1]

In Salisbury's mind this political object was certainly the more immediate matter. In Afghanistan the Government of India was represented only by a Muslim agent who wrote (Salisbury thought) "exactly what the amir tells him", and whose reports did not tally with other reports received.[2] The consequent uncertainty was much more than a formal disadvantage. Early in 1875 the secretary of state wrote to the governor-general, Northbrook, "It has the effect of placing upon our frontier a thick covert, behind which any amount of hostile intrigue and conspiracy may be masked. I agree with you in thinking that a Russian advance upon India is a chimaera. But I am by no means sure that an attempt to throw the Afghans upon us is so improbable".[3] He therefore directed measures to obtain the establishment of a British agent at Herat, where the amir had already expressed his readiness to receive one.[4]

This decision was at once criticised on the ground that Sher 'Ali had never given any formal promise to this effect.[5] But Salisbury did not assert that he had, and Northbrook himself had to admit that the amir had "appeared to consent" on condition of the agreement which had been refused him at Simla.[6] However, he pleaded that the measure was needless, the time inopportune, and the probable consequence war.[7] Salisbury replied in a long and closely reasoned dispatch. The undoubted conflict between the declared policy of the Russian Government and the actual conduct of its frontier officials made absolute the need of speedy and accurate information. "The case is quite conceivable in which Her Majesty's Government may be able, by early diplomatic action, to arrest proceedings on the frontier which a few weeks, or even days later, will have passed beyond the power even of the government of St Petersburg to control." His orders were therefore to be carried into effect.[8] Northbrook resigned rather than obey, and Lytton was then appointed governor-general. He carried with him instructions to send a mission to the amir by way of Quetta and Kandahar to obtain Sher 'Ali's assent to the establishment of a permanent mission. In return the amir might be conceded the terms which he had asked for in 1873.[9]

After overcoming opposition within his council,[10] Lytton broached

[1] Salisbury to Lytton, 22 August, 1876 (Lady G. Cecil, *op. cit.* II, 74).
[2] Salisbury to Disraeli, 2 January, 1875 (*idem*, II, 71).
Salisbury to Northbrook, 19 February, 1875 (*idem*).
Same to same, 22 January, 1875 (*Parl. Papers*, 1878–9, LVI, 502).
Northbrook to Salisbury, 20 May, 1875 (Mallet, *Northbrook*, pp. 101 *sqq*.).
Parl. Papers, 1878–9, LVI, 503. [7] Mallet, *op. cit.* p. 105.
Dispatch to Government of India, 19 November, 1875 (*Parl. Papers*, 1878–9, LVI, 521).
Dispatch to the governor-general, 28 February, 1876, and encl. (*idem*, 530).
[10] Lady B. Balfour, *op. cit.* pp. 64 *sqq*.

the reception of the special temporary mission to the amir. This was declined, but an Afghan envoy was sent to discuss matters with the British authorities at Peshawar. The negotiations, protracted by references to Kabul, lasted from October, 1876, till March, 1877, and ended in complete failure.[1] It has been usual to lay the blame for this upon the policy of Salisbury, and no doubt Salisbury's policy was foredoomed to failure. What Sher 'Ali would have conceded in 1873 he would not grant in 1876. But unless it is argued that British influence in Afghanistan was worthless, greater blame attaches to Argyll for throwing away the golden opportunity of 1873 than to Salisbury for seeking to retrieve his predecessor's error. European affairs were moving to a crisis. A continuation of the policy of quiescence would permit Russia to strengthen her growing influence over the amir and thereby greatly to increase her power of hampering British foreign policy. European conditions required that Sher 'Ali should make an open choice between British and Russian friendship, for, if he was not a friend to Great Britain, he was a dangerous potential enemy. "A tool in the hands of Russia", Lytton said, "I will never allow him to become. Such a tool it would be my duty to break before it could be used."[2]

In Europe the Balkan troubles had given rise to a situation of exceptional anxiety and strain. In 1875 a rebellion had broken out in Bosnia and Herzegovina, leading in 1877 to the Russo-Turkish War. These events intensified the antagonism of Anglo-Russian relations. For a year and more after the outbreak of the war a conflict between the two great powers was by many thought inevitable. Both sought every means within their reach to limit and control the action of the other. On the one side the British occupied Quetta in 1877, and on the other, as British hostility developed to the treaty of San Stefano, and when Indian troops were dispatched to Malta, the governor-general of Turkestan sought a specific alliance with the amir of Afghanistan and initiated a military movement in the direction of India. In the circumstances of the time nothing less could have been expected. But the episode also indicated clearly what had been the underlying motive of Russian policy in Central Asia for the previous quarter of a century.

The Peshawar discussions had led nowhere. The main reason which Sher 'Ali had alleged for refusing to receive an English mission had been that acceptance would prevent his refusing to accept a Russian mission. His argument proves how much ground had been lost by 1876, for it shows that he had come to regard the Russians and the British as on an equal footing. He had not done so in 1873. Nor even now did his answer expose the whole situation that had developed. For the moment the British proposal was dropped. But relations with

[1] Dispatch to Salisbury, 10 May, 1877 (*Parl. Papers*, 1878–9, LVI, 534).
[2] Lady B. Balfour, *op. cit.* p. 30.

Kaufmann grew ever closer. In June, 1878, they culminated in a letter written by the Russian governor-general to the amir, informing him that the external relations of Afghanistan required "deep consideration", and that he was sending a Russian officer—Stolietoff—"to inform you of all that is hidden in my mind".[1] The envoy carried with him a draft treaty offering terms very similar to those Lytton had offered at Peshawar—recognition of the heir apparent and assistance against any external enemy.[2] In case these proposals should be declined, Kaufmann entered into tentative discussions with Abd-ur-rahman, Sher 'Ali's fugitive nephew.[3] At the same time three columns of troops marched from Tashkent in the direction of the Afghan frontiers. The Government of India was well served by its agents. On 9 June it had heard of Stolietoff's intended dispatch; on the 24th it believed that he had set out.[4] He had in fact left Tashkent on 13 June[5]—the day on which the Berlin Congress met. His approach tested the sincerity of Sher 'Ali's excuses to Lytton. Instead of meeting with any firm refusal, the mission found at the frontier half-hearted, probably mere ostensible orders not to enter the country. It ignored them and arrived at Kabul on 22 July without a shadow of resistance. On the 21st Stolietoff is said to have received a dispatch from Kaufmann, informing him of the settlement reached at Berlin and warning him not to make any positive promises to the amir.[6] The marching columns had of course been recalled.

The envoy's arrival and reception at Kabul raised in an acute form the question of British relations with the amir. The case anticipated by Dalhousie had arisen.[7] Lytton sought and obtained the home government's approval for his insisting on Sher 'Ali's acceptance of an English mission.[8] The letter announcing that an envoy would be sent arrived at Kabul on 17 August. Abdullah Jan, Sher 'Ali's heir apparent, died the same day. This event offered a convenient pretext for deferring an answer. But the letter was read in durbar; Stolietoff urged the amir to delay matters and if necessary prevent the English mission from reaching Kabul while he travelled to Tashkent to inform Kaufmann, who would inform the emperor and thus compel Great Britain to desist from her demands.[9] On the 23rd Sher 'Ali wrote his reply to Kaufmann, saying that Stolietoff had "reduced to writing the verbal representations, the object of which was to strengthen the friendly relations between the illustrious government of His Imperial Majesty the Emperor and the God-granted government of Afghanistan", and would soon return with the writer's replies.[10] On 21 Sep-

[1] Kaufmann to Sher 'Ali, June, 1878 (*Parl. Papers*, 1881, XCVIII, 350).
[2] *Idem*, 351; cf. Roberts, *Forty-one Years in India*, II, 248.
[3] Abd-ur-rahman, *op. cit.* I, 149.
[4] *Parl. Papers*, 1878, LXXXI, 584, 591.
[5] Lady B. Balfour, *op. cit.* p. 247.
[6] Roberts, *op. cit.* II, 110.
[7] *Vide* p. 405, *supra*.
[8] *Parl. Papers*, 1878–9, LVI, 603.
[9] Roberts's report based on Yakub's information (Roberts, *op. cit.* II, 469).
[10] *Parl. Papers*, 1881, XCVIII, 350.

tember Neville Chamberlain, the envoy whom Lytton had chosen, was prevented by threats of violence from passing Ali Masjid.[1] Sher 'Ali had accepted Stolietoff's advice and resolved to defy the Government of India.

> "The amir's policy", Lytton wrote, "was to make fools of us in the sight of all Central Asia and all India without affording us any pretext for active resentment. My policy was naturally to force the amir either to change his policy or to reveal it in such a manner as must make the public a partner with the government in the duty of counteracting it."[2]

Lytton has generally been represented as taking an over-serious view of the situation. But the problem was twofold. It was not merely that of a possible invasion of India. It also included the results of a widespread belief in its likelihood. Salisbury might scout the possibility, advise the use of large-scale maps, and point to the essential weakness of Russia,[3] but an invasion of India was "a common topic of conversation in every assemblage of chiefs between Tabriz and Peshawur".[4] The fundamental weakness of past policy had been that it had left Russia free to advance so that the day was visibly threatening when the spheres of interest of the two empires would meet, not at a convenient distance from, but actually on the Indian frontier. "It may be very convenient", wrote Frere with great truth, "to say we will be guided by circumstances; but that is not the sort of policy which wins friends and deters enemies."[5]

In the dispatch of the mission Lytton had overrun the wishes of Beaconsfield and Salisbury. Both were extremely anxious to see the Russian forces withdrawn from Turkish territory, and feared lest a sudden flare-up of Afghan difficulties might endanger the execution of the Treaty of Berlin. They would have preferred to see the Afghan trouble smoothed over or at all events put off for a twelvemonth; but Beaconsfield's language and views seem to have varied from day to day,[6] with the result that the instructions sent to Lytton by the India Office were not so clear and specific as was expected. It had been desired that the mission to the amir should proceed not by the Khyber Pass, where it was expected and likely to be stopped, but by way of the Bolan and Kandahar where opposition would have been more difficult and unlikely.[7] But the choice of routes seems to have been left to Lytton, who chose the more provocative. On 25 and 30 October stormy meetings of the cabinet took place. Salisbury and the Lord Chancellor severely attacked Lytton's conduct and urged the expediency of curbing his future proceedings. Cranbrook, the secretary of state for India, strongly defended the governor-general. In the interests of cabinet unity Beaconsfield proposed that Lytton should

Forrest, *Life of Sir Neville Chamberlain*, pp. 479 *sqq*.
Lady B. Balfour, *op. cit.* p. 285.
[3] Cf. Lady G. Cecil, *op. cit.* II, 128, 142.
Frere, *Letter to Durand*, p. 44.
[5] Martineau, *op. cit.* I, 239.
Monypenny and Buckle, *Life of Disraeli*, VI, 380 *sqq*.
Lady G. Cecil, *op. cit.* II, 341.

be authorised to occupy the Kurram valley, not as an act of war but as the taking of a "material guarantee" for the granting of the English demands. But when it seemed likely that this would be adopted, Cranbrook refused to have anything to do with so half-hearted a measure. At last Lytton's and Cranbrook's views prevailed.[1] On 2 November an ultimatum, expiring on the 20th, was dispatched to Sher 'Ali. The amir had already applied to Kaufmann for assistance in view of the threatening English attitude, which he rightly ascribed to the arrival of the Russian mission.[2] Kaufmann advised Sher 'Ali to make peace if he could.[3] In fact the Russian agents had fallen into the pit which they had dug for others. Reckoning too hopefully on the approach of an Anglo-Russian war, they had led Sher 'Ali into relying on their support, at the moment when they found themselves unable to accord it. Lytton and Cranbrook were right in seizing this precise moment to re-establish British ascendancy at Kabul, when Sher 'Ali's hostility was manifest, when Russian intervention would have involved tearing up the agreement reached so lately at Berlin, and when Russian resources, financial and military, were depleted by the recent war.

The campaign which began with the invasion of Afghan territory on 20 November was skilfully conducted and speedily successful.[4] Two columns advanced by the Kurram and the Khyber passes. On 22 December Sher 'Ali issued a farman in which, after recounting his numerous triumphs over the invaders, he announced his retirement into Russian territory.[5] He died early in 1879,[6] and negotiations were opened with his son Yakub leading to the Treaty of Gandammak, signed 26 May, 1879,[7] before the British forces had entered Kabul. By this agreement the new amir assigned the districts of Kurram, Pishin and Sibi to the British Government; he agreed to conduct his relations with foreign states in accordance with the advice of the governor-general; and he agreed to accept a permanent British representative, who was to be stationed at Kabul.[8] Every object which had been sought thus seemed to have been secured.

The doubtful point was whether Amir Yakub would succeed in maintaining his position. Cavagnari, the political agent who had conducted the negotiations, had not been much impressed by his talent and character, reporting him as the best of his family, but fickle of purpose, ignorant of business, and weak of mind.[9] The estimate was not unjust. Roberts noted his shifty eye, retreating forehead, and lack of vigour.[10] His weakness had already been displayed. Lytton

[1] Monypenny and Buckle, *op. cit.* VI, 386; Lady G. Cecil, *op. cit.* II, 342.
[2] *Parl. Papers*, 1881, XCVIII, 353.
[3] *Idem*, 355.
[4] The best account is probably to be found in Roberts, *op. cit.* chaps. xlv *sqq.*
[5] *Parl. Papers*, 1878–9, LVI, 702.
[6] Lady B. Balfour, *op. cit.* p. 313.
[7] *Parl. Papers*, 1878–9, LVI, 691.
[8] *Parl. Papers*, 1878–9, LVI, 691; Lady B. Balfour, *op. cit.* pp. 326 *sqq.*
[9] Lady B. Balfour, *op. cit.* p. 322.
[10] Roberts, *op. cit.* II, 202.

had strongly desired the establishment of a British mission, but had contemplated its residence at Herat, not at Kabul. Yakub, however, had himself proposed Kabul,[1] willing to run any risk provided he could secure the support of the British army. The proposal was accepted with some misgivings. Cavagnari, resolute and forceful, was named resident—an admirable man in a crisis, but less suited for a position of delicacy.[2] He reached Kabul on 24 July. He was well received with an Afghan rendering of *God save the Queen.*[3] On 3 September he was murdered in the course of a real or pretended mutiny of unpaid troops. Roberts's opinion, probably correct, was that Yakub intended a demonstration which should show his inability to protect the mission and so obtain its withdrawal.[4] Events had shown that Lytton had been unlucky in finding himself virtually obliged to adopt Yakub as Sher 'Ali's successor, and unwise in agreeing to the mission's being placed at Kabul and in selecting Cavagnari as his agent there.

This misfortune led necessarily to a renewal of the campaign. Roberts advanced by the Kurram Pass and occupied Kabul on 7 October. Yakub had joined him on the march, declaring that he would rather be a grass-cutter with the English than attempt to rule the Afghans.[5] Roberts's swift movement disconcerted the tribesmen, and though his cantonments were attacked, he had small difficulty in holding his position through the following winter. Meanwhile the political problem demanded solution. All agreed that Yakub should not be restored. He was removed to India, pensioned, and resided at Dehra Dun till his death in 1923. As no suitable candidate for the amirat could be found, both Lytton and the home government inclined to a policy of disintegration. The Foreign Office even began negotiations with Teheran about the terms on which Persia might be suffered to occupy Herat,[6] while a representative of the old Sadozai house, Wali Sher 'Ali Khan, was recognised as sardar of Kandahar.[7] Since this arrangement, together with the occupation of the territory assigned by Yakub, would secure the line of advance upon Herat whenever necessary, and outflank any hostile advance from Kabul towards India, it was thought that it did not greatly matter who held Kabul.[8]

These tentative arrangements, however, were quickly brought to an end by an unexpected and very fortunate development. Ever since Sher 'Ali's establishment in power in 1868, his nephew, Abd-ur-rahman, had been living under Russian protection, mainly at Samarkand. He was now a man of forty—short and stoutly built, with bluff but pleasant manners and an easy smile, self-possessed,

[1] Lady B. Balfour, *op. cit.* p. 336.
[2] Forrest, *op. cit.* p. 494.
[3] Lady B. Balfour, *op. cit.* pp. 342 *sqq.*
[4] Roberts, *op. cit.* II, 254; cf. Lady B. Balfour, *op. cit.* pp. 375–6.
[5] Roberts, *op. cit.* II, 192 *sqq.*; Lady B. Balfour, *op. cit.* p. 361.
[6] Lady G. Cecil, *op. cit.* II, 375.
[7] Lady B. Balfour, *op. cit.* pp. 376 *sqq.*
[8] Cf. *idem*, p. 408.

clear-minded. He looked the personification of watchful strength moved by an inflexible will, and had indeed inherited his grandfather's, Dost Muhammad's, vigour, judgment and ferocity.[1] In 1880, after many discussions with the Russian governor-general, Abd-ur-rahman obtained leave to return to Afghanistan, and set out from Tashkent with a small party of men. Next day, as he was on the march, he received, as he thought, a sign from God. As sometimes happens in the Central Asian deserts,[2] he thought he heard a great cavalcade, to the number of 20,000, draw level with him and gradually pass on ahead. "By this I reasoned that God had cleared my way for me."[3] Full of hope he entered Balkh, praying Allah either to overthrow the English or to turn their hearts.[4] As soon as Lytton heard of his appearance, he had directed Lepel Griffin (the English political agent at Kabul) to send him conciliatory messages, and, in spite of suspicions natural against one who had been long connected with Russians, it was decided to enter into negotiations with him.[5] But at this stage matters were interrupted by the arrival (8 June, 1880) of a new governor-general, Lord Ripon.

In the previous spring a general election, in the course of which Radical speakers had made great play with Lytton's conduct of the Afghan question, had replaced Beaconsfield by Gladstone as prime minister, Cranbrook by Hartington at the India Office, and Salisbury by Granville at the Foreign Office. Northbrook, who took the Admiralty in the new cabinet, was violently opposed to the policy to which he had been sacrificed and loudly insisted on the instant need of surrendering every post on the further side of the hills and returning to the old frontier line. Accordingly the evacuation of Sibi and Pishin was promised in the queen's speech in the opening session of 1881.[6] But the zealots for retreat met with unexpected opposition from their governor-general. Ripon had, indeed, gone out to India with a strong bias against Lytton and all his works. He had on arrival ransacked the records of the political department in the hope of finding schemes that would have blasted for ever the reputations of Lytton and Beaconsfield.[7] But in fact he had taken over the negotiations with Abd-ur-rahman at the point where Lytton had laid them down and conducted them to the conclusion at which Lytton had already aimed. Under his orders Griffin reached an understanding with Abd-ur-rahman by which Pishin and Sibi were retained, and by which the new amir placed the management of his foreign relations under the Government of India, in return for which the Indian Government promised to pay the amir an annual subsidy.[8] Abd-ur-rahman had already

[1] Cf. Lady B. Balfour, *op. cit.* p. 439; Sir Alfred Lyall, *ap. Edinburgh Review*, April, 1889; Gray, *At the Court of the Amir*, p. 158.
[2] Cf. Marco Polo, *Travels* (ed. Yule and Cordier), I, 197.
[3] Abd-ur-rahman, *op. cit.* I, 155 *sqq.*
[4] *Idem*, I, 190.
[5] *Idem*, I, 192, 194; Lady B. Balfour, *op. cit.* pp. 412, 428 *sqq.*
[6] Wolf, *Life of Ripon*, II, 40, 48.
[7] *Idem*, II, 12, 19.
[8] Memorandum of conversations, 31 July–1 August, 1880 (F.O. 65–1104).

given evidence of his real desire for English friendship. When in July, 1880, Ayub Khan, Sher 'Ali's son, had attacked Burrows, commanding the English force at Kandahar, inflicting on him a severe defeat at Maiwand, the amir had promptly dispatched letters to all the chiefs on the route by which Roberts was to march from Kabul to retrieve the situation, directing them to afford the English all possible assistance; and this explains at least in part the ease with which Roberts effected his famous march from Kabul to Kandahar, leading to the complete defeat of Ayub Khan's forces.[1] When, therefore, Ripon was called upon to give effect to the declared policy of the liberal cabinet, he told Hartington bluntly that it would lead in ten years' time to another Afghan war, and broadly hinted that he would rather resign than overrule his council in order to carry out what he regarded as a mistaken policy.[2] The cabinet accordingly permitted its declarations to fall into a convenient if dishonest oblivion.

The settlement thus reached brought to a close a most dangerous phase of the Central Asian question. Lytton may be blamed for his provocative handling of the proposal to establish an Afghan mission and for his selection at a later time of a too sanguine agent to conduct British relations with the amir Yakub. But he had inherited a position of extreme difficulty. Argyll's decision of 1873 had already convinced Sher 'Ali that he had nothing to hope for from the English; while he fancied from their previous conduct that he had nothing to fear from them either. Accordingly he had turned to Russia. Lytton had to disabuse him of his error. Probably Lytton was right in thinking that nothing short of war would do so. In any case war was made inevitable by the Russian action in the crisis of 1878. Stolietoff's embassy imperatively demanded the submission or destruction of Sher 'Ali. In view of the developments of the following ten years, the policy adopted by Salisbury and Lytton was justified in its broad outlines. Nor does the second Afghan War afford a parallel with the first except in superficial aspects. Both, of course, illustrate the ease with which Afghanistan may be occupied and the difficulty with which it can be held. But the first ended with the mere restoration of the ruler whom the British had dethroned, with no advantage military or political or diplomatic. The second replaced a hostile by a friendly amir; it brought to a decisive end the disastrous policy of Lawrence and Argyll; and it provided India, for the first time since the collapse of the Moghul Empire, with a position from which the north-west frontier could easily be defended.[3]

Up to this time the Russian frontier had not pressed too closely on Afghanistan. But now Russia, taking advantage of the numerous external difficulties of the Gladstone government, and fortified by a

[1] Cf. Kabul Diary, week ending 8 August, 1880 (F.O. 65–1104).
[2] Wolf, *op. cit.* II, 39.
[3] Cf. Davies, *The North-West Frontier*, pp. 10 *sqq.*

secret treaty with Germany, thought the time had come for abandoning intentions which had been the subject in the past of repeated declarations. The Merv oasis afforded the first example. It is likely that the strategic importance of this region had been greatly exaggerated[1] by persons suffering from what the Duke of Argyll (with school-boy humour) was pleased to call "mervousness".[2] It was, however, in disagreeable proximity to Herat, and on several occasions the British Foreign Office had sought reassurances regarding its future. In 1882 these were repeated. De Giers assured the British ambassador in a conversation, not once but repeatedly, that the mission of Russia was one of peace and that she had no intention whatever of occupying fresh territory.[3] Within three months British agents were possessed of documents showing that the Russians were seeking the submission of the Merv chiefs,[4] and in fact, at the moment when the Russian foreign minister was soothing the British ambassador, the Merv chieftains were being urged and bribed to submit.[5] Finally, early in 1884, when Mr Gladstone was embarrassed by the Mahdi in the Sudan, the chiefs were beguiled and coerced into tendering allegiance to the emperor, while the War Office at St Petersburg prepared a map showing the Merv boundaries stretching southwards and touching the Hari-rud near Herat.[6] As Curzon said, "the flame of diplomatic protest blazed fiercely forth in England; but, after a momentary combustion, was as usual extinguished by a flood of excuses from the inexhaustible reservoirs of the Neva".[7]

This event created such general uneasiness that the liberal government could not leave matters where they stood. Conversations, which had been begun in London as early as 1882,[8] led to a reference to St Petersburg.[9] But although the imperial government regarded Gladstone with a singular benevolence,[10] the operation of that sentiment was certainly limited by the need of taking the utmost advantage of his tenure of office. While, therefore, it was willing enough to approve the idea of formally defining the northern boundary of Afghanistan, it also began to refer casually to Panjdeh and the need of establishing peace in that area.[11] Granville eagerly took up the idea of a joint delimitation; an Indian official, Sir Peter Lumsden, was appointed to conduct the British mission, the amir was invited to provide qualified officers, and Granville proposed that the British and Russian missions should meet at Saraks on 1 October, 1884.[12] He thus assumed that Russia really intended to co-operate. But for that the Russian leaders did not yet deem the time to be ripe. They certainly

1 Curzon, *op. cit.* p. 120. 2 *The Eastern Question*, II, 371.
3 *Parl. Papers*, 1884, LXXXVII, 77.
Idem, p. 95; cf. Baddeley, *Russia in the Eighties*, p. 129.
Curzon, *op. cit.* p. 111.
Parl. Papers, 1884, LXXXVII, 183; 1884–5, LXXXVII, 38, 40, 41, 47, 49.
Curzon, *op. cit.* p. 111. 8 *Parl. Papers*, 1884, LXXXVII, 66.
Idem, p. 70. 10 Meyendorff, *Correspondance de M. de Staal*, I, 27.
11 *Parl. Papers*, 1884–5, LXXXVII, 60, 63, 75. 12 *Idem*, pp. 78, 96, 111.

aimed at securing positions which would place under their control the entire body of nomad Turkoman tribes. Therefore, while they named General Zelenoi head of the Russian boundary mission, they also smote him with illness and insisted that on his recovery he must have a prolonged period in which to study his instructions and gather information. By that time climatic conditions would make surveying impossible, so that nothing could be done till February, 1885, at soonest.[1] In December, as time was passing, the Russian ambassador was ordered to seek British assent to the essential points of the Russian proposals, which now claimed Panjdeh as independent of the amir. At the same time, in order to cover the Russian movements, complaints were made of aggressive Afghan concentrations.[2] Granville claimed that the definition of Afghan territory should be left to the commission.[3] To this De Giers would not agree, and claimed districts which the British declared to belong to Afghanistan.[4] By April the discussions had reached a deadlock.[5] Lumsden, who had gone with his mission into north-western Afghanistan, had already reported repeated aggressions on the part of the Russian military forces.[6] Then when the telegraph line from Meshed was conveniently interrupted,[7] belated news reached London on 9 April that the Russians on 30 March had attacked a body of Afghan troops and driven them out of Panjdeh.[8]

Mr Gladstone's position was most difficult. Gordon's death at Khartum had cast great odium upon his policy. The Irish question was looming up ominous and unsettled. A new humiliation would certainly terminate his tenure of office. So, though personally desiring war no more than Disraeli had done in 1878, he was driven by circumstances into assuming a defiant attitude. He called up the reserves and moved a vote of credit for special military preparations. De Giers had contemplated carrying his point by bluff. He had even wired the Russian ambassador for the information of the English cabinet that the Afghan commandant at Panjdeh had lamented his inability to comply with the Russian demands because the English officers forbade him. But on the news of the vote of credit he withdrew his telegram.[9] The ambassador, de Staal, who laboured for peace at this crisis, made unofficial proposals which would, he hoped, assist the liberals to retain office at the cost of something less than war.[10] Nor did the Russian Government desire war—if it could attain its objects without. On the English side it was proposed that even if Abd-ur-rahman had to give up Panjdeh, he should at least retain Zulfikar. As the Russians set a high value upon the first and none upon the second,[11] and as the English public was completely ignorant of Central Asian geography,

[1] *Parl. Papers*, 1884–5, LXXXVII, p. 121. [2] *Idem*, p. 149.
[3] *Idem*, p. 151. [4] *Idem*, pp. 175 *sqq*. [5] *Idem*, p. 230.
[6] *Idem*, pp. 184, 198; cf. his dispatches, *ap*. F.O. 65–1235, 1236, 1237, 1238.
[7] *Parl. Papers*, 1884–5, LXXXVII, p. 231.
[8] Cf. Holdich, *The Indian Borderland*, pp. 127 *sqq*.
[9] Meyendorff, *op. cit*. I, 200, 201. [10] *Idem*, I, 189 *sqq*. [11] *Idem*, I, 191.

the ministry was able to represent this as a graceful concession to English wishes. As regards the attack upon Panjdeh, which in the first flush of resentment and alarm Gladstone had characterised as "an unprovoked aggression",[1] the emperor refused emphatically to admit the least enquiry into the conduct of the commander, General Kumarof;[2] but suggestions were put about that the question whether Russia had violated her understanding with Great Britain might be referred to the head of a friendly state.[3] The arbitrator Granville had in mind was the German emperor, since his character and experience would give great weight to his decision.[4] Russia, perhaps for the same reasons, insisted that the choice must fall on no one but the King of Denmark.[5] This too was conceded,[6] and Gladstone was thus freed to apply his supple tongue to soothing the passions which his political position had for the moment compelled him to encourage and even to simulate.[7] But all his dexterity could not completely hide the nature of his settlement, even from his own countrymen. The Russian Foreign Office became of course yet more exigent. When Granville accepted the general principles laid down by Russia earlier in the year, he found himself confronted by new and more stringent demands, inspired by the Russian War Office.[8] In June the Gladstone ministry fell, and Lord Salisbury then took over the negotiations. After prolonged and difficult discussions regarding the area which was covered by the name "Zulfikar", a protocol was at last signed on 10 September,[9] and the projected arbitration, which had served Gladstone's turn well enough, was allowed to lapse.[10]

As a result of the discussions initiated in 1884 regarding the Afghan boundaries and the appointment of a commission of delimitation, Amir Abd-ur-rahman had been invited to confer with the new governor-general, Lord Dufferin, at Rawulpindi; and he was actually there when the Panjdeh crisis emerged. Even before the incident the English ministry had anxiously sought to moderate his claims,[11] and he then seemed to regard the Pass of Zulfikar, Gulran and Maruchak as the only places of vital importance.[12] News of the Panjdeh affair arrived on 8 April, and Dufferin at once promised him assistance in arms, ammunition and possibly money, should war with Russia follow.[13] He had received the news with a greater appearance of calm than Dufferin had expected.[14] But he was in fact far from indifferent to what was going forward. The English mission had assured him that the Russians never would dare to attack his forces—an idea that must have been confirmed by the Russian treatment of Sher 'Ali in

1 Hansard, 3rd series, CCXCVI, 1159 *sqq.*
2 De Giers to de Staal, 28 April, 1885 (Meyendorff, *op. cit.* I, 204).
3 Granville to de Staal, 24 April, 1885 (F.O. 65-1241); Hansard, 3rd series, CCXCVII, 657.
4 Granville to Thornton, 9 May, 1885 (F.O. 65-1242).
5 Meyendorff, *op. cit.* I, 215.
6 Fitzmaurice, *op. cit.* II, 442.
7 Cf. Meyendorff, *op. cit.* I, 211.
8 *Idem*, I, 216-19, 222-4.
9 *Idem*, I, 260.
10 Cf. *idem*, I, 237.
11 *Parl. Papers*, 1884-5, LXXXVII, 239.
12 *Idem.*
13 *Idem*, LXXXVII, 242.
14 *Idem.*

1878. But the Russians had attacked, the English mission had hurriedly withdrawn, Great Britain had not declared war on Russia. Though Abd-ur-rahman "was not a man to get excited, and therefore took the matter calmly as a lesson for the future",[1] it must have been clear to him that neither empire was ever likely to fight on behalf of Afghan interests, and that it would be wholly wrong to base his policy on such expectations.

In the following year, 1886, the Afghan boundary from the Oxus westwards to Zulfikar was at last formally laid down.[2] This was followed by six years of comparative quiet, until the revival of disputes regarding the Pamirs. British officers were arrested in territory which they averred was not Russian. Russian agents visited Chitral; and Russian detachments entered territory in the actual occupation of the Afghans.[3] In the middle of 1892 the Russian Foreign Office and War Office agreed to seek to establish Russian dominion over the whole of the Pamirs.[4] The appointment of a commission of delimitation had already been proposed, and discussions were going forward. These were therefore deliberately slackened off, mainly in consequence of the demands of the Russian War Office,[5] and no agreement was reached till 1895, when on 11 March an agreement was signed by which Afghanistan was to surrender territory north of the Panjah while Bokhara surrendered that part of Darwaz lying south of the Oxus.[6]

This settlement left no further room for disputes concerning the Afghan boundaries, and the years that followed were marked by a gradual relaxation of the Anglo-Russian tension, though this was more perceptible in Europe than in Asia, and was accompanied by spasms of vehement distrust at Tashkent and Calcutta. The far-Eastern ambitions which Russia now displayed did not provoke in English minds the intimate alarm which had been created by her earlier activity in Central Asia, so that the clashes of policy revealed in connection with the Treaty of Simonoseki, the Russo-Japanese War, and the Anglo-Japanese alliance, hardly carried those possibilities of war which had been implicit in the incident of Panjdeh. Nevertheless, the representatives of both nations in Central Asia long continued to believe the worst of the other's designs and vehemently strove to counteract them.

Relations with Kashmir, with Tibet, and with Afghanistan therefore still provided ready, but less serious, subjects of contention. Of Kashmir what can usefully be said has been given elsewhere; but Tibet afforded ground for an animated struggle between the home and Indian governments, regarding the proper action to be taken

[1] Abd-ur-rahman, *op. cit.* I, 243. [2] Holdich, *The Indian Borderland*, pp. 169 *sqq.*
[3] Meyendorff, *op. cit.* II, 157; Abd-ur-rahman, *op. cit.* I, 285; Roberts, *op. cit.* II, 446.
[4] Meyendorff, *op. cit.* II, 176. [5] *Idem*, II, 209, 224.
[6] *Parl. Papers*, 1895, CIX, 159; 1905, LVII, 457.

upon the alleged Russian intrigue. At the close of the nineteenth century the internal position of Tibet was unstable. The chief authority of the state (a nominal dependency of China) was vested in the Dalai Lama of Lhasa, but for a prolonged period no Dalai Lama had reached years of maturity, each in turn perishing at a convenient age which permitted the Council of Regency to continue unbroken the exercise of its temporary powers. At last, however, a Dalai Lama, under the artful guidance of a Russian subject, a Buriat named Dorjieff, succeeded in growing up and assuming the traditional powers of his office. This revolution demanded external support for its maintenance. In 1898, 1900 and 1901 Dorjieff was sent on special missions to Russia, ostensibly to collect money from the Buddhists of that empire, but probably with political designs as well; and though the Russian foreign minister denied Dorjieff's diplomatic character, he was received in audience by the emperor as an envoy extraordinary. In the following year stories spread abroad that a treaty had been signed by which China ceded to Russia her rights over Tibet.[1] These reports were the more alarming because the Government of India had no means of testing their accuracy. The Tibetans were preventing all intercourse, both diplomatic and commercial, with India. In 1890 and 1893 a convention and regulations had been negotiated with the Chinese authorities;[2] but the Tibetans had blocked the road leading to the place which had been selected as a trading-post. Direct negotiations had been tried, but the governor-general's letters had been returned unread.[3] In 1902, therefore, the Government of India, under Lord Curzon, was eager for definite action in order to clear up the position. The home authorities seem to have hung back until, on a report that a military expedition was about to set out, the Russian ambassador produced a memorandum, stating that such an expedition "would force the imperial government to take measures to protect its interests in those regions".[4] Lord Lansdowne, then at the Foreign Office, replied firmly to what he called a gratuitous complaint,[5] and it was agreed that a mission under Colonel Younghusband should be sent into Tibetan territory, to Khamba Jong, and if no envoys appeared there to Gyangtse, to oblige the Tibetans to come to an agreement.[6] After a nine-months' pause at Khamba Jong, the mission began to advance in March, 1904. In a vain attempt to check it the Tibetans lost 600 men killed and wounded.[7] Further attacks were made upon the mission at Gyangtse, and so the advance was continued to Lhasa which was reached on 3 August.[8] Finally an agreement was signed at Lhasa, by which marts for the exchange of goods were to be opened, an indemnity, greatly

[1] *Parl. Papers*, 1904, C. 1920, pp. 113, 116, 117, 140–1.
[2] *Idem*, pp. 7, 22–3.
[3] *Idem*, pp. 74, 99, 118, 125.
[4] *Idem*, p. 178.
[5] *Idem*, p. 180.
[6] *Idem*, pp. 198, 209, 213.
[7] *Idem*, 1904, C. 2054, p. 11.
[8] *Idem*, 1905, C. 2370, pp. 3, 32, 49.

reduced by the home government, to be paid, and the Chumbi valley occupied for three years as a temporary pledge.[1]

These events in themselves had small importance. But they illustrate the ever-growing interaction of policy. As St John Brodrick declared, "the course of affairs on the Indian frontiers cannot be decided without reference to imperial exigencies elsewhere".[2] The improvement of British relations with Russia was already under consideration. It was difficult to deny the force of the Russian contention that the establishment of British supremacy at Lhasa would alter the position in Central Asia at the very moment when Russia seemed disposed amicably to discuss the questions about which the two empires had been quarrelling.[3] Lansdowne therefore became more conciliatory. On 2 June, 1904, he assured the Russian ambassador that, so long as no other European power intervened, Great Britain would neither annex Tibet, nor establish a protectorate over it, nor attempt to control its internal affairs.[4] Hence the limitation of the demands made upon Tibet when the settlement was reached.

With Afghanistan during the same period—1898–1904—Indian policy pursued a similar course. In this direction the Russian successes of 1884–5 had been followed by an active railway policy which at last united the Trans-Caspian and the Orenburg–Tashkent lines at Kuskh on the Afghan frontier. In 1900 the Russians demanded that the governor-general of Turkestan should be placed in direct communication with the authorities of Kabul. In 1902 Count Lamsdorff observed "that he had never quite understood why the external relations of Afghanistan were in the exclusive charge of His Majesty's Government". In 1903 the demand for direct communication was repeated, in language which the British Government "deeply resented".[5] Russian failures against Japan in Manchuria led to a disposition noticed at the close of 1904 to recover the lost Russian prestige by a campaign in Central Asia.[6]

In 1901 the old amir, Abd-ur-rahman, had died and been succeeded by his elder son Habib-ullah. The relations of the old amir with India had not latterly been very cordial, even though Durand had settled the Indo-Afghan boundary.[7] Abd-ur-rahman had been specially anxious to be admitted to direct relations with the government in London; but the proposal, which was put forward when Nasr-ullah, his second son, visited England in 1895, was refused.[8] The new amir, though milder and more amiable than his father, was at first hardly more tractable. Disputes arose over the treaty with Abd-ur-rahman, which the Government of India claimed (in accordance with Oriental use) had been personal to the late amir and

1 *Parl. Papers*, 1905, C. 2370, pp. 77 *sqq.* 2 *Idem*, p. 46.
3 *Idem*, 1904, C. 1920, pp. 298–9.
4 *Idem*, 1905, C. 2370, p. 15; cf. Gooch and Temperley, *op. cit.* IV, 320.
5 Gooch and Temperley, *op. cit.* IV, 512 *sqq.*, 621, 186.
6 *Idem*, p. 34. 7 *Vide* p. 462, *infra.* 8 Abd-ur-rahman, *op. cit.* II, 139.

therefore stood in need of revival, but which Habib-ullah claimed to be still in full force. Not until 1904 would he agree to receive a mission, and at last on 21 March, 1905, Sir Louis Dane signed a treaty at Kabul renewing all the engagements between the Government of India and his father.[1] At one time Curzon had thought him on the verge of throwing himself into the arms of Russia,[2] and when, in 1906, he visited Curzon's successor, Lord Minto, in India, he was reported on good authority to have written to the governor-general of Turkestan, explaining that there would be no political discussions, and adding, "if the British government...attempt to introduce their influence into Afghanistan, the Afghans will resist and in that case would look to the emperor of Russia for help".[3]

These Russian leanings seem to have been the result of circumstances rather than inclination. Habib-ullah himself was disposed to social reform. He dressed, and made his wives dress, in European fashion; his palace was filled with European furniture; he ate with knife and fork instead of his God-given fingers. He was, therefore, suspect amidst an orthodox, fanatical people. Nasr-ullah, his brother, "a religious bigot of the narrowest type and violently anti-British", had a much stronger hold on Afghan affections.[4] Though Habib-ullah was personally well disposed to the Government of India, he could not afford to offend his northern neighbours, lest their intrigues should strengthen the position of his brother.

In March, 1906, Morley raised the question of what guarantees would be advisable should an agreement be framed with Russia.[5] Minto and his advisers felt strongly that the whole proposal was full of danger. Minto especially deprecated three points in the scheme as originally communicated to him. One was that Russia and Great Britain should suspend railway construction for ten years. He pointed out that the Russian system already was complete and would not in any case be extended except into Afghanistan in the event of war.[6] Another was the concession of direct communication between Russia and Afghanistan. "We are", he wrote, "to open a very dangerous door to intrigue and to sacrifice the power which the amir has agreed with us to exercise to check such intrigue."[7] The third was that the proposed agreement should not be signed without a previous arrangement with Afghanistan.

> The present situation has been agreed on between the amir and ourselves, and ...we are not entitled to cancel it without his consent....To me it seems infinitely more important to keep on friendly and controlling terms with him than to enter into any bargain with Russia which might lessen our influence with him or alienate him from us.[8]

[1] *Parl. Papers*, 1905, LVII, 459. [2] Ronaldshay, *Life of Curzon*, II, 266, 267.
[3] Encl. in Minto to Morley, 16 January, 1907 (unpub.).
[4] Minto to Morley, 17 October, 1907, and 19 March, 1908 (unpub.); cf. Abdul Ghani, *Political Situation in Asia*. [5] Morley, *Recollections*, II, 167.
[6] Minto to Morley, 12 June, 1906 (Buchan, *Lord Minto*, p. 226).
[7] *Idem.* [8] *Idem.*

The first of these points seems to have been abandoned without further discussion. The second occasioned long arguments at St Petersburg,[1] but was at last abandoned. On the third, although opinion at the Foreign Office favoured Minto's view, Morley insisted that, as the agreement would involve no departure from the Afghan Treaty of 1905, the terms should only be communicated to the amir as a settled thing.[2]

The convention with Russia was therefore signed on 31 August, 1907. As regarded Afghanistan Great Britain declared that she had no intention of modifying the amir's political status, while Russia recognised the country as beyond her sphere of influence and declared she would conduct her relations with the amir through the British Government, but Russian and Afghan frontier officials might settle matters of a local and non-political character. As regarded Tibet both parties agreed to conduct their political relations through China, not to send agents to Lhasa, and not to seek concessions in Tibetan territory.[3]

The clauses concerning Afghanistan were to take effect when the amir signified his assent. When it was sought, the coercive attitude which Morley had assumed despite Minto's warnings proved its folly. On being warned by the Foreign Office that Russia might ignore the convention unless the amir acceded to it, Morley told Minto to put the screw on him.[4] But it could not be done. The amir evidently felt that his acceptance would imperil his position in Afghanistan, and never could be brought to agree. It was humiliating "to admit that although we decline to permit Russia to have any direct relations with the amir, we are ourselves incapable of exercising any effective influence over that potentate".[5] But that was due to Morley's refusal to allow Minto to begin his discussions at the proper time. Nor after all did the amir's refusal matter much. So long as the entente between his neighbours lasted, neither he nor his people could venture far.

This was shown clearly by the events of the war. Various German agents at Kabul strove to provoke Habib-ullah into breaking with the Government of India; but without success. The Russian revolution, however, transformed the situation. The Anglo-Russian alliance vanished. The orthodox party, enemies alike of Habib-ullah and of Great Britain, no longer found themselves hemmed in on either side. They gained in strength and daring. At last on 20 February, 1919, the amir was murdered in camp near Jalalabad,[6] and the new amir, Habib-ullah's son, Aman-ullah, soon found himself thrust into the attack on India which led to the third Afghan War. By the treaty

[1] Cf. Gooch and Temperley, *op. cit.* IV, 527, 549.
[2] Morley to Minto, 13 June, 1907 (unpub.).
[3] *Parl. Papers*, 1907, CXXV, 478.
[4] Morley to Minto, 30 April, 1908 (unpub.).
[5] Gooch and Temperley, *op. cit.* IV, 275.
[6] Cf. *Moral and Material Progress Report*, 1919, pp. 7 *sqq*.

concluded in 1921, the Afghan kingdom resumed its freedom of managing its external affairs.[1] The logic of events has demanded this brief excursion beyond the chronological limits of the volume. The situation as it stood in 1921 closely resembled that which existed before the second Afghan War. Bolshevik, like imperial, Russia once more aimed at striking Great Britain through India. The weapons of the new empire were keener and more subtle than those of the old—propaganda in place of intrigue; but the purpose and the policy which they served were little changed from those of the days of Alexander and Nicholas; while Afghanistan itself, divided between the old world and the new, was once more precariously balanced between India and Turkestan.

[1] *India in 1921–2*, pp. 319 *sqq.*

CHAPTER XXIV

THE CONQUEST OF UPPER BURMA

The Kingdom of Upper Burma, 1852–1885

KING PAGAN'S brother Mindon, fearing for his life, fled from court in December, 1852, and after several weeks' petty fighting deposed Pagan, keeping him in captivity for the rest of his life. King Mindon (1853–78) was a complete contrast to his four murderous and insane predecessors. Although so shocked at a map of the world, which showed the size of Burma, that the bystanders had to vow the map was wrong, he was erudite according to native standards; he would gaze at English visitors near his throne through opera glasses, feeling that these added to his impressiveness, yet he was of truly royal presence; his economic measures were obscurantist, but he possessed real business aptitude, and would have made a successful broker; his piety was ostentatious, and his humanitarianism was rendered possible by the speed with which his ministers carried out executions before he could intervene, yet he sincerely loved his fellow-men.

Fearing to be chronicled as the king who signed away territory, Mindon would not accept Dalhousie's treaty,[1] but he recalled his troops and respected the new frontier. In 1854 he sent envoys asking Dalhousie to restore Pegu as it was not he, but his discredited predecessor who had made war; Dalhousie said to Phayre, who interpreted, "Tell the envoys that so long as the sun shines, which they see, those territories will never be restored....We did not go to war with the king but with the nation". Subsequently Mindon, thinking that as his clergy had great influence with his government, Christian clergy must have influence with their governments, sent his sons to the Anglican Dr Marks's mission school at Mandalay and cultivated the acquaintance of the French Catholic bishop Bigandet; when he found that they would not urge Queen Victoria to restore Pegu, he thought missionaries very ungrateful people, and dropped them. For years he kept a reserve of officers to administer Pegu when the English should restore it, either as a mark of appreciation or during some European crisis. But he discountenanced the Pegu dacoits who for decades claimed to hold his commission; and when the Pegu garrison was depleted to supply the needs of the Indian Mutiny, he rejected his court's advice to march, saying it was unworthy to strike a friend in distress.

[1] Cf. vol. v, p. 562, *supra*.

As a new king was expected to change the capital, Mindon in 1857 abandoned Amarapura and built a new city at Mandalay near by, but he abrogated the custom of burying human victims at the foundation. Probably his most cherished achievement was the Fifth Buddhist Council and its memorial, the presentation of a new spire to the Shwedagon pagoda, Rangoon. The Fourth Council had been held in Ceylon nineteen centuries previously; in 1871 Mindon summoned 2400 clergy to Mandalay, where, after they had recited the Buddhist scriptures, a definitive text was engraved on marble; although only Burmese clergy had been invited, Mindon styled himself "Convener of the Fifth Council". The erection of a spire on a major pagoda was the prerogative of a king in his own dominions, but the English agreed, provided he did not come himself; coated with gold, studded with jewels, and worth £62,000, it was erected by his envoys in 1871 and is still in place; the population of Rangoon was temporarily doubled, yet crime ceased, and unprotected women were able to wear their jewels in public throughout the festivities. Mindon's reign was a happy period, for the Burmese simultaneously enjoyed English administration and soothed their pride by the thought that their king still sat on his throne in the Golden Palace at Mandalay. Beloved though he was, travellers were struck by the contrast between the down-trodden bearing, the sullen faces, the coarse clothes, of the Burmese in his territory, and the laughter, the free bearing, the silken clothes of the Burmese in English territory. From 1857 onwards, even before the opening of the Suez Canal, an appreciable number of his subjects, disobeying his veto, annually migrated to Pegu; the 1881 census shows 8·4 per cent. of the population of British Burma as born in Upper Burma.

Abandoning the traditional seclusion of his predecessors, Mindon employed Europeans, and sent missions to Europe; among the envoys was the Kinwunmingyi. The failure of the mission to Queen Victoria to secure direct negotiations was a severe disappointment, for to Mindon, as to every other Burman, then as now, it was humiliating to deal with a mere viceroy; however, he swallowed his chagrin, made no difficulty over dealing with the viceroy, and never failed to receive English officers courteously. The residency, re-established in 1862, was raised from the 3rd to the 2nd class in 1875; its incumbents were Dr Williams (1862–4), Captain (later Sir Edward) Sladen (1864–9), Major MacMahon (1869–72), Captain Strover (1872–5), Colonel Duncan (1875–8), Mr Shaw (1878–9), Colonel Horace Browne (1879), Mr St Barbe (1879). An assistant political agent was maintained at Bhamo: Captain Strover (1869–72), Captain Spearman (1872–3), Captain Cooke (1873–7), Mr Cooper (1877–8), Mr St Barbe (1878–9).

Chambers of commerce in England credited Yunnan with an enormous population and an unlimited capacity for purchasing Manchester goods; the shortest route from England lay along the

Irawadi River. Trade treaties made in 1862 and 1867 between the king of Burma and the Government of India opened Upper Burma to trade. English steamers ran regularly from Rangoon to Mandalay after 1868 and reached Bhamo in 1869. English officers from Rangoon visited Yunnan in 1868, 1875, 1877; those of 1875 turned back when Margary of the Chinese consular service, who had travelled overland from Shanghai and met them in Bhamo, was murdered by a Chinese rabble. Mindon did everything possible to foster trade with Yunnan, even removing a governor of Bhamo for obstructing English officers, but the wild tribes north of Bhamo were subject to neither Burmese nor Chinese rule; furthermore, from 1855 to 1873, the Yunnan market ceased to exist in the anarchy of the Panthay rebellion. Trade in Burma itself was hampered by Mindon, who not only enforced the usual royal monopolies but was also the largest dealer in all kinds of produce in his dominions. Even so, at the end of his reign, whereas the annual value of English trade across land frontiers in India was £5,145,000, with Upper Burma and Yunnan it was £3,225,000.

The raiders of Karenni carried off Burmans and Shans into slavery, bartering them for cattle with the Siamese. Mindon's troops entered Karenni; but when the English objected, he received the viceroy's envoy, Sir Douglas Forsyth, in 1875 and concluded a treaty whereby Karenni was recognised as independent. Hence, unlike the Shan States, to which it is culturally inferior, Karenni is not part of British India to-day.

When dictating the treaty of 1826 to a vanquished court, the English had omitted to insist that envoys should neither remove their shoes nor kneel in the presence. Successive residents, chief commissioners, and Sir Douglas Forsyth, knelt unshod. In 1876 the viceroy said that this might have been permissible in the days before Burmans had gone abroad, but now they had visited European courts and seen that at all there was only one method of receiving ambassadors, irrespective of a court's indigenous ceremonial; he himself received Burmese envoys not only retaining their head-dress but also wearing shoes and sitting on chairs, and in future the resident would neither remove his shoes nor kneel. The Kinwunmingyi, who realised the force of the argument, appears to have tried to state it to Mindon. Although to yield meant losing face with his people, Mindon's prestige was such that he could have carried them with him; but he exclaimed, "I did not fight to recover a province, but I will, sooner than yield on etiquette". The Government of India was ill-requiting a harmless old man, the one king of Burma who maintained correct relations. Thereafter no resident was admitted to the palace, and English influence declined.

One more reign like Mindon's should have given the thoughtful minority at court time to grow, so that, like the kindred realm of Siam,

Burma might have been so prudently administered as to render annexation inconceivable. By the irony of fate it was Mindon himself who prevented his successor from being a person worthy of him, and it was the very steps taken by the thoughtful minority to ensure reform which caused obscurantism to triumph.

To keep the royal blood pure, a Burmese king's chief queen was his own half-sister; yet her son seldom succeeded to the throne, as the king nominated any prince, whether brother or son; many a king avoided the decision, leaving things to settle themselves at his death. Mindon had fifty-three recognised wives, forty-eight sons, sixty-two daughters. He nominated his brother; in 1866 two of his sons tried to assassinate him, and assassinated the brother. Thereupon Sladen, the resident, urged him to select a capable son and proclaim him heir, so that the kingdom might become accustomed to an accomplished fact; Mindon refused, saying he had so many sons, that to nominate any one of them would be equivalent to signing the boy's death warrant. On his death-bed he appointed his three best sons to succeed as joint kings, each with a third of the kingdom. Realising that this meant civil war, and wishing to have a nonentity as king so that they could introduce cabinet government, the ministers approved the plot of the queen dowager, whose daughter Supayalat was married to Thibaw, a junior son of Mindon's; they suppressed the order, imprisoned the remaining princes and princesses, proclaimed Thibaw king, and substituted for the immemorial oath of allegiance to the king a new oath to the king acting with his ministers.

Although the king's orders had always been subject to the concurrence of the Hluttaw (the council of the ministers), that could refuse only at peril, and in the last resort the king alone could claim obedience. The resident saw in the new oath, and in the character of the ministers, hope for progress. But no paper oath could avail against the sycophancy of the palace. Thibaw's mother, a junior queen, had been expelled from the harem for adultery with a monk; he himself, aged twenty, weak-minded, addicted to gin, was dominated by his feline wife Supayalat; by a process of mutual attraction the couple were soon surrounded by the vilest characters in the palace, who superseded the better officers and took command of the troops. Through fear of Supayalat, Thibaw further outraged convention by not marrying the four major queens and numerous lesser queens necessary to a Burmese king. The Kinwunmingyi usually acquiesced, but only to retain office in hope of better days, and finally Thibaw, fearing to be overthrown in favour of one of the imprisoned princes, enforced the "Massacre of the Kinsmen": on 15–17 February, 1879, nearly eighty princes and princesses of all ages were—since royal blood was taboo—strangled or clubbed by intoxicated ruffians and flung, dead or alive, into a trench the earth over which was trampled by elephants.

The Hluttaw was not implicated. The household staff arranged the massacre; it had not been enforced for four reigns, and it now took place in the age of the telegraph and newspaper; but even the defective chronicles of Burma contain seven instances since 1287, and Thibaw's court seems to have been surprised at the horror aroused in the outer world. It was the Kinwunmingyi himself who drafted the curt reply to the resident's protest, that Burma was a sovereign power, that her government was the sole judge of what the exigencies of state required, and that the massacre was strictly in accordance with precedent. A Burmese officer of humane character subsequently said to an English commissioner:

> We had no alternative. It has taken you English five years to crush dacoits led by a few sham princes. How long would it have taken you had they been led by seventy real princes? That was the risk we had to face, and we had none of your resources. By taking those seventy lives we saved seventy thousand.

The chief commissioner recommended immediate withdrawal of the resident, saying that this would secure the collapse of Thibaw's unsteady throne. The Government of India refused, and covered their indecision by saying that his presence would prevent further massacres —as if whatever moral influence he possessed were not forfeited by his continuing at such a court. Executions never ceased, and culminated in the "Jail Massacre" of September, 1884; perhaps the Kinwunmingyi himself owed his immunity to the fact that he already held the ancient title Thettawshe, "he to whom the king grants long life", signifying that he alone, of all mortals, could not be executed out of hand. The residency, a collection of bamboo huts surrounded by a fence, was virtually blockaded, and no Burman dared be seen entering. Yet the Government of India withdrew it in October, 1879, only because reports that Thibaw contemplated exterminating it coincided with the outcry at Cavagnari's murder in Kabul.

Four of Thibaw's brothers had fled the country—Myingun and Myingundaing in 1866, after assassinating Mindon's uncle; Nyaungyan and Nyaungok shortly before the "Massacre of the Kinsmen". In 1868 Myingun escaped from internment at Rangoon, tried to raise a rebellion in Upper Burma, was reinterned, and in 1882 escaped into French territory. In 1880 Nyaungok escaped from internment at Calcutta, raised a brief rebellion in Upper Burma, and was reinterned. One or another of the four princes would have succeeded in ousting Thibaw had not the French and English interned them; Nyaungyan in particular, Mindon's favourite son, whom he had nominated one of his three joint successors, inherited his father's character and charm, and was deservedly popular.

Opinion among non-officials in British Burma was unanimous that Upper Burma must be annexed. In 1884 English and Chinese merchants joined in sending money to Myingun at Pondichery, asking

him to invade Burma through Siam. Dr Marks inveighed from his Rangoon pulpit and led the firms in public meetings which demanded immediate annexation in the interests of humanity and trade; they claimed that these meetings represented every race, but in reality Burmese British subjects, though they deplored Thibaw's misrule, would not attend. The chief commissioner—Bernard, nephew to Henry Lawrence who deprecated annexing the Panjab—advised that annexation would infuriate the Burmese, alarm the princes of India, and entail years of trouble; that we were not free from moral responsibility for Thibaw's misrule, as Nyaungyan would long before have ousted him but for our veto; that the Burmese would welcome Nyaungyan even if imposed by us, and he would prove a friendly and enlightened ruler. The Government of India, saying that internal misgovernment did not justify intervention, and that statistics did not support the contention that Thibaw's misrule diminished trade, would neither act nor even protest against the later massacres.

What forced the English to act was that France, having won an empire in Indo-China, now tried to dominate Upper Burma by peaceful penetration. For a decade the Burmese, anxious for their independence, had vaguely striven for an alliance with some first-class power; France refused to ratify the trade treaty of 1873 because the Burmese insisted on inserting provisions for the import of arms and for a full alliance. But in 1873 France had only Cochin China, whereas in 1884 she had Tonkin and was advancing towards Upper Burma. When, therefore, in January, 1885, Ferry, the French foreign minister, signed a public treaty for trade, he gave the Burmese envoys at Paris a secret letter promising to permit the import of arms through Tonkin when order was restored there; it was not a cordial letter, for the French, like the English, found the Burmese unsatisfactory to deal with; moreover the public treaty did not secure French nationals the safeguards (e.g. consular jurisdiction) desired by Ferry, and French officers in Tonkin disliked the distribution of arms. While the treaty was pending, Lyons, the English ambassador in Paris, warned Ferry that England had special interests in Upper Burma; in his last interview before signing the treaty Ferry assured Lyons that he would never permit the import of arms, so ardently desired by the Burmese; in the interview announcing signature, Ferry told Lyons it was a harmless trade treaty, and he avoided mentioning arms. In July, 1885, however, the secret letter was seen in the Mandalay palace by an underling friendly to the chief commissioner, and the viceroy telegraphed it verbatim to London.

France followed up the treaty by stationing a consul, Haas, at Mandalay. A quiet scholarly man, ignorant of the language and country, Haas suffered in health and disliked Mandalay. With him, and with a Burmese envoy in Paris, French concessionaires negotiated the establishment of a bank at Mandalay, the construction of a railway

from Mandalay to the railhead in British Burma, and the management of the royal monopolies, capital and interest to be secured on the revenues of the kingdom. None of these grandiose schemes was sound, and few advanced beyond the draft stage, but they would have left the kingdom permanently in French control. Failing to collect his revenue, Thibaw pawned the harem jewels, and, in defiance of his father's memory, established state lotteries which, however, disappointed expectation; unable to wait till the French bank materialised, he turned to the Bombay-Burma Trading Corporation, an English firm which extracted timber over half his kingdom. They lent him £100,000, and when they refused a further £220,000 early in 1885, they found themselves arraigned before the Hluttaw, sitting as a High Court, for failing to pay their employees and defrauding the Burmese crown of royalties in the Ningyan (Yamethin) forests. Sufficient particulars survive for any magistrate to recognise the accusation as typical of the false cases from the bazaar which come before him to-day. On hearing that a French syndicate would take over the forests if the corporation were evicted, the Hluttaw passed judgment *ex parte*, condemning the corporation to pay £230,000.

Though alarmed, England could not act against Thibaw for negotiating with a friendly power, but the corporation case compelled action on unexceptionable grounds. And at this juncture France, having suffered reverses in Tonkin which delayed her westward advance, withdrew from Upper Burma: her ambassador in London repudiated Haas's acts, 6 October, 1885. The Burmese refusal to submit the corporation case to the viceroy's arbitration reached Rangoon 13 October, and was reported to India the same day. The draft ultimatum was approved in London and received back in Rangoon on 19 October; it directed the Burmese to receive a permanent resident, giving him free access to the king without humiliating ceremonies, to submit the corporation case to the viceroy's arbitration, to submit their foreign relations to English control, and to assist the through trade with Yunnan. On 9 November Thibaw's rejection of the ultimatum reached Rangoon, and he issued a proclamation commanding his army to drive the infidel English into the sea. On 28 November he was a prisoner in his palace, under a British infantry guard.

Public opinion in England, shocked at Thibaw's atrocities, desired annexation. The Government of India disliked it save as a last resort, and the ultimatum meant what it said—that Upper Burma could continue independent if its court would accept the slight restraint which experience showed to be the irreducible minimum. The Burmese having rejected this offer of a protectorate, annexation followed, for the English were not in a position to appoint a successor to Thibaw; his massacres had left so few claimants alive that there was no field for selection; the only claimant known to possess character,

Nyaungyan, had died in June, 1885; Myingun, believed to possess character, was under French influence.

Dalhousie in 1852, Bernard in 1884, prophesied that, whereas Arakan, Tenasserim, and Pegu, the outlying territories of the Burmese, had been quickly conquered, the kingdom of Upper Burma, the Burmese homeland, would offer prolonged resistance; in 1879 the general commanding at Rangoon said he could take Mandalay with 500 men but would need 5000 to take Upper Burma. And so it proved, for the loosely knit state bristled with village stockades and evinced in defeat the tenacious vitality of the lower organisms. Dacoity, always endemic, had become chronic under Thibaw; his new ministers protected dacoits, shared their booty, and left district governors unsupported; villages submitted to the exactions of their youthful braves in return for protection against the braves of other villages; in 1884 Kachins captured Bhamo and carried fire and sword half-way down to Mandalay. The troops who had been massed against the English scarcely fired a shot, as Thibaw's proclamation was not followed by definite orders to his men, and many, not knowing Nyaungyan was dead, at first believed the English came to set him on the throne; but now, in the hour of the monarchy's dissolution, they went home with their arms and joined the dacoits. They could not combine, they plundered each other, and their fellow-countrymen, of whom the majority, sickened by their cruelty, ended by welcoming the English, called them not patriots but dacoits. Although they could seldom be brought to action, and the invaders' battle deaths were only sixty-two in eight months, it took five years to dispose of them; Sir George White, Sir George Wolseley, and the commander-in-chief in India, Sir Frederick Roberts, were present; at one time no fewer than 32,000 troops were employed.

And the area pacified in 1885–90 was only the kingdom of Upper Burma, i.e. barely half of Upper Burma. The greater half consisted of tribal areas where Burmese rule had either, as in the Chin hills, never penetrated, or, as in the Shan States, been ineffective. The remotest Shan state submitted in 1890 when Mr (later Sir George) Scott took forty sepoys, rode boldly into Kengtung, a mediaeval city with five miles of battlemented wall, and received the surrender of the wavering chief. Fighting against the Chins lasted till 1896.

Neither Sir Charles Crosthwaite, the masterful chief commissioner of the pacification, nor J. E. Bridges, his best officer in knowledge of the people, had any illusions about the Burmese, yet both regretted the annexation; Crosthwaite said it extinguished the good as well as the evil of the only surviving Buddhist state in India, and Bridges said, "It was a pity. They would have learnt in time". Indirect administration, giving the benefits of annexation without its defects, would have yielded little revenue; moreover, native institutions, shaken under Thibaw, were overthrown by the mere process of pacification,

as half the territorial families were in the field against us. But the real reason for imposing direct administration was that it was the fashion of the age, and modern standards of efficiency were the only standards intelligible to the men who entered Upper Burma. Few of them spoke the language, and those who did, came with preconceptions gained in Lower Burma. When overrunning Lower Burma, the Burmese had devastated and depopulated the country; our administration led to the return of refugees and to Indian immigration, but this hybrid population grew up without traditions or hereditary institutions. Hence Englishmen came to regard the Burmese as one dead level of peasants, without class distinctions or hereditary institutions, their government as unsystematised despotism, and Upper Burma as a *tabula rasa* whereon to erect an administration of the approved Anglo-Indian type.

These preconceptions are largely invalidated by research. Burmese society was honeycombed with class distinctions, and the sumptuary laws rendered it possible to tell a man's rank and occupation by a glance at his dress. Even now, after the 1885 revolution, there are village headmen who can trace their pedigrees for two and a half centuries. The king did not proclaim himself, he was proclaimed by the will of the nobles. He took no coronation oath, yet he was bound by immemorial custom and by religious awe. He could not issue a single order till it had been registered by the Hluttaw, the Council of the Ministers—the four "Great Burdens", the four "Arms and Shoulders of the State"—for, as the French noted independently, the races of Indo-China abhor the rule of an individual. He had no parliament: but thrice a year he had to face his lieges, as every office-bearer, down to the humblest village headman, attended the three great "Homage Days", when the king, having worshipped his ancestors, was in turn worshipped first by his family and then by the assembled court. He might be a haughty and murderous tyrant, but if the lowliest cleric in the realm entered, he must leave his throne, kneel, and, at the holy man's bidding, recall the death sentence he had just uttered. There was in Upper Burma a complete social, religious and political system of appreciable vitality, and two instances (divorce and clerical discipline) will show what the annexation swept away.

Burmese divorce is by mutual consent, but under native rule it required the concurrence of the village headman, who imposed delays and levied fees; under English rule these formed no part of his duties, and already in 1850 Phayre, noting the deplorable increase in divorce, attributed it to the removal of these checks.

The king was head of the Buddhist Church. His chaplain was a primate who prevented schism, managed church lands, and administered clerical discipline, through an ecclesiastical commission appointed and paid by the king. The primate prepared the annual clergy

list, giving particulars of age and ordination, district by district, and any person who claimed to be a cleric and was not in the list was punished. A district governor was precluded by benefit of clergy from passing judgment on a criminous cleric, but he framed the trial record and submitted it to the palace; the primate passed orders, unfrocking the cleric and handing him over to secular justice. In January, 1887, the primate and thirteen bishops met the commander-in-chief, Sir Frederick Roberts, offering to preach submission to the English in every village throughout the land, if their jurisdiction was confirmed. The staff trained by the English in Lower Burma for two generations included Burmese Buddhist extra assistant commissioners who could have represented the chief commissioner on the primate's board. But English administrators, being citizens of the modern secularist state, did not even consider the primate's proposal; they merely expressed polite benevolence, and the ecclesiastical commission lapsed. To-day schism is rife, any charlatan can dress as a cleric and swindle the faithful, and criminals often wear the robe and live in a monastery to elude the police. As Sir Edward Sladen, one of the few Englishmen who had seen native institutions as they really were, said, the English *non-possumus* was not neutrality but interference in religion.

The Province of Burma, 1852–1918

Lower Burma, embracing the three commissionerships, Pegu, Tenasserim, Arakan (which were mutually independent and corresponded, Pegu and Tenasserim with the Government of India, Arakan with the government of Bengal), in 1862 was formed into a single province, British Burma, with headquarters at Rangoon. Upper Burma was, after annexation in 1885, combined with Lower and styled the province of Burma, with headquarters at Rangoon. Its head was a chief commissioner (1862–97); thereafter a lieutenant-governor: General Sir Arthur Phayre (1862–7), General Fytche (1867–71), Mr Ashley Eden (1871–5), Mr Rivers Thompson (1875–8), Mr Charles Aitchison (1878–80), Mr Charles Bernard (1880–7), Mr Charles Crosthwaite (1887–90), Sir Alexander Mackenzie (1890–4), Sir Frederick Fryer (1895–1903), Sir Hugh Barnes (1903–5), Sir Herbert White (1905–10), Sir Harvey Adamson (1910–15), Sir Harcourt Butler (1915–17), Sir Reginald Craddock (1917–22); of these fourteen, eleven were appointed from India without previous experience of the province. Legislative power was reserved to the Government of India until 1897, when the Burma Legislative Council was constituted, a small body with an official majority and limited powers.

Until 1886 the head of the province had one secretary and disposed of all non-judicial work through district officers. He now has three secretaries, a financial commissioner (1888) as chief revenue authority,

a commissioner of settlements and land records (1900) as head of the settlement department created in 1873, an excise commissioner (1906), a registrar of co-operative societies (1904), and a director of agriculture (1906). The creation of the great centralised departments has resulted in the execution of work which the district officer left undone; the belief that his power has diminished will not bear examination.

By 1862, the year in which subdivisions were created and assistant commissioners first stationed outside district headquarters, the district officer was styled deputy-commissioner, and the distinction between circle headman and township officer had crystallised; the circle headman remained a vernacular villager with only revenue powers, the township officer became a salaried civil servant with both judicial and revenue powers, and he began to learn English. Two-thirds of the Burma Commission were Indian civilians, one-third soldiers and uncovenanted.

The deputy-commissioner was in direct charge of the police until 1861 when an inspector-general of police was created, with a superintendent of police in each district. Till 1887 the force was inefficient and expensive, because the village community had been destroyed and its headman deprived of police powers, and because early superintendents, being subalterns from the Indian Army, did not speak the language and filled the ranks with Indians. In 1887 the village headman was given police powers, and the police were divided into two: the civil police, consisting of Burmans, undertakes detection; the military police, consisting of Indians, garrisons outposts and guards treasuries. The creation of an excise department in 1902 relieved the police of excise duties. English policy is to discourage intoxicants by making them expensive, and incidentally to raise revenue. Native policy was prohibitionist in theory, but drink and opium were not uncommon in practice. Burmese opinion is that indulgence has greatly increased and produces so large a revenue that the English wish it to be so. In reality the excise department has prevented an increase in the use of opium and has kept the increase of drink within bounds. English officers have only legal powers, whereas under native rule high officials were leaders of society, nor had the influx of immigrants, many of whom belong to drinking races, taken place.

The local regiments—Arakan Local Battalion, Pegu Light Infantry, Pegu Sapper Battalion—were disbanded on the creation of the police service in 1861. Save for the *corps d'élite*, a Burmese company of Sappers and Miners raised in 1887, no further recruiting occurred till the great war, when 8500 men were formed into rifle battalions, mechanical transport, and labour corps, and, with the sappers, served overseas. The rifle units were recruited chiefly from the tribal areas; few Burmans joined, and fewer stood the discipline. Yet in pre-British times the race had a fighting record, and in the first generation of

English rule regimental officers thought well of the Burmese sepoys they led against insurgents and frontier tribes—their marksmanship, courage, initiative, endurance, and a cheerfulness which increased with hardship. But since the post-Mutiny reorganisation the Indian Army avoids small racial units speaking obscure languages.

In 1862 the chief commissioner, himself constituting a Chief Court, had three commissioners, who were sessions and divisional judges, trying murder cases and second civil appeals; twelve deputy-commissioners, who were district magistrates and district judges, trying cases not requiring over seven years' imprisonment, major civil suits, and first civil appeals; and a hundred subordinate executive officers, mostly natives, trying minor criminal and most civil original cases. Recorders existed in Rangoon (1864–1900) and Moulmein (1864–72); a recorder was an English barrister district and sessions judge subject to the Calcutta High Court. A judicial commissioner, appointed in 1872 with Chief Court powers (save over the recorder), relieved the chief commissioner of all judicial functions. In 1890 a judicial commissioner was appointed for Upper Burma. In 1900 the judicial commissioner, Lower Burma, and recorder, Rangoon, were abolished and a Chief Court for Lower Burma constituted. The first general step towards separation of judiciary and executive occurred in 1905 in Lower Burma, where population and work are greatest: a separate judicial service was created, commissioners ceased to exercise judicial functions and deputy-commissioners and their executive assistants tried only major criminal cases. In Upper Burma commissioners and deputy-commissioners still try most criminal and some civil cases. Although in some respects Western legal training unfits a man to administer justice among backward Eastern peoples, and few of the judiciary know sufficient English to master a voluminous legal literature, the tendency is for judicial administration to become increasingly complex and for case-law to swamp the codes. The system has helped to create a class of denationalised native lawyer who shows little skill save in raising obstructions and procuring perjury. For long it was usual to appoint as judges men who had failed as executive officers. Sir Charles Bernard said there were no High Courts in the British Empire where the atmosphere was so unreal; in successive annual pronouncements he condemned frequent interference in appeal as showing perfunctory appellate work, which encouraged frivolous appeals and increased crime. In Upper Burma, a man could be tortured to death on summary trial, until the day of the annexation; almost from the day after, he could not even be fined without a prolonged trial and appeals, and Sir Charles Crosthwaite was dismayed at the appointment of a judicial commissioner to Mandalay while fighting was still in progress. The dacoit leader Nga Ya Nyun pounded infants in rice mortars under their mothers' eyes, roasted old women between the legs, and ate his prisoners alive; in 1890 he

was sentenced to death at Myingyan on evidence which would have satisfied a home judge and jury in twenty minutes, but the judicial commissioner in appeal was with difficulty induced, after prolonged quibbling, to imprison him. The belief that appellate interference was less common in the old days is contrary to facts: confirmations rose from 54 per cent. in 1864 to 68 per cent. in 1918.

Public works officers had always existed in the garrison engineers of important districts, but by 1862 there was a complete civil cadre under a chief engineer; relying partly on jail labour, they laid out Rangoon; in 1864–83 they built the great delta embankments, and after 1885 they extended the native irrigation system of Upper Burma. The single railway line from Rangoon reached Prome in 1877, Toungoo in 1885, Mandalay in 1889, Myitkyina in 1898, Lashio in 1902, Moulmein in 1907. But there is no railway communication with India or Siam; there are still barely 2000 miles of metalled road, less than in a London suburb, in a province twice the area of the British Isles; and anywhere, after a century of English rule, one can ride for days—in the dry season, for in the rains one cannot ride a furlong—without meeting a road or a bridge. The huge lead-silver mines of the Northern Shan States are near a railway; the oil-fields of Yenangyaung are on the Irawadi River; the wolfram mines of Tavoy are near the sea; but elsewhere minerals lie untouched, and agricultural development is hampered for lack of communications. As each conquest (1826, 1852, 1885) was an overseas operation, the cost of which was not recovered for a generation, the Government of India had to recoup itself by seizing the surplus revenues of Burma, which would have been ample to provide communications, although population was scarce and labour cost thrice ordinary Indian rates.

It was on a reference from McClelland, superintendent of forests, Pegu, that Dalhousie in 1855 enunciated the forest policy of India. And it was in Pegu that Sir Dietrich Brandis, arriving in 1856, laid the foundations of the Indian forest department, in the teeth of European firms' opposition, and trained his great successor, Sir William Schlich. The forests of Burma are among the finest in the world; thanks to state ownership they remain one of her principal assets and provide much of her revenue; one-fourth of the Indian forest service is concentrated in Burma.

In 1865 Phayre said that the true line of educational advance lay not in Anglo-vernacular schools but in improving vernacular schools, of which the Buddhist clergy had spread a network over the country—save among the wild tribes, every village in Burma has its cleric, and his monastery is the village school, so that for centuries, though learning has been rare, most men and many women have been able to read and even to write. In 1866 a director of public instruction was appointed to execute Phayre's scheme; but the director spoke little Burmese, the clergy spoke no English; the director had no staff, the

clergy had no central authority; most were either apathetic, or distrustful of new-fangled methods proposed by alien infidels, nor might a cleric take instructions from a mere layman, who must, indeed, address him in an attitude of adoration. The director could not spend even the limited funds at his disposal, and in 1871 the chief commissioner, regretting that he had no power to appoint a central authority, consisting of clergy, to restore ecclesiastical discipline and improve education, abandoned Phayre's plan and instituted lay vernacular schools. Since 1875, when he received his first inspector, the director has developed a staff, but his energies are concentrated upon Anglo-vernacular schools, and there is a complete break in continuity between the atmosphere of the home and the school, between the traditions of the race and the only progressive education in the country. Yet it is the people themselves who insist on the teaching of English. In the very year of their foundation the earliest lay vernacular schools were found to be surreptitiously teaching English, and English officers who prevented this were regarded as reactionaries. Although a backward agricultural country provided no employment for Anglo-vernacular youths save in government offices, the growing complexity of English administration could for long more than absorb the whole product of the schools; in 1869 the chief commissioner said he did not wish to reserve office to the product of mission schools, but nowhere else could he get qualified candidates. Rangoon Government High School, a secular school founded in 1873, produced its first graduate and developed into Rangoon College, affiliated to Calcutta University, in 1884.

Minor operations continued after the annexation of Pegu in 1852 because, though Talaings and Karens welcomed the English, the Burmese were doubtful, and the higher strata of society—district governors, circle headmen—ceased to exist. In 1826 these had thrown in their lot with the English and suffered terrible vengeance when the incredible happened and the English withdrew. Consequently in 1852 their successors remained loyal to their king and retreated before the English, taking many of the people with them to Upper Burma. Simultaneously the anarchic forces in society broke loose, forming powerful dacoit gangs, who became popular heroes now that government was foreign; their atrocities finally alienated support, but several survived till 1868, and in 1875 a gang, having visited Mandalay palace, gave out that it had received royal recognition, harried Pegu subdivision, and killed the inspector-general of police in action.

Pegu, a thinly populated area of swamp and forest in 1852, is now one of the principal rice-exporting areas of the world. The clearance of its malarious jungles was the achievement of Burmese pioneers, many of them Upper Burmans; they were aided by temporary seasonal migration from India, especially south India, which rose from 60,000 in 1868 to 300,000 in 1918, making Rangoon second only

to New York as an immigrant port. The population of Pegu rose from 700,000 in 1852 to 1,500,000 in 1867, and the opening of the Suez Canal in 1869 provided a further stimulus; Syriam district grew 400,000 acres of rice in 1869, 700,000 in 1874, and the total rice-area in Lower Burma rose from one and a half million acres in 1869 to nine million to-day. Rangoon, with a population of 25,000 in 1852, had 330,000 in 1918 and is rapidly challenging Calcutta as second port in India. Development on such a scale would have been impossible under native rule, and although Europeans made fortunes, most of the monetary wealth thus created went into native pockets. But, as England found during the Industrial Revolution, unchecked individualist development tends to become anti-social; and whereas in sovereign countries the tendency is checked by the conservative forces in society, in subject countries these forces have been overthrown. The Irawadi Delta, where two-thirds of the crop is exported, and the population consists largely of homeless coolies, leaderless men, provides Burma with most of her crime. In England highway robbery, the nearest approach to the mediaeval crime of dacoity, disappeared a century ago, and all crime has decreased for generations; the annual incidence of murder (including infanticide) decreased from 5·7 per million people in 1857–66 to 4·3 in 1908–12. In Burma the annual incidence of murder (including murder by robbers and dacoits), and of dacoity, per million people, is

	Murder	Dacoity
1871–5	25·9	19·4
1876–80	26·5	11·6
1881–5	35·4	20·6
1886–90	war (Upper Burma) and rebellion (Lower)	
1891–5	30·1	29·2
1896–1900	24·8	9·5
1901–05	26·5	6·3
1906–10	32·0	9·4
1911–15	39·0	14·6
1916–18	39·7	16·0

Caste, purdah, Hinduism and Muhammadanism, with their paralysing strife, are unknown in Burma. But, though nine of her thirteen million inhabitants are Burmese Buddhists, fourteen indigenous languages are spoken, and a sixth of her inhabitants, covering a third of her area (chiefly in the hills), are Shans, Chins, Kachins, Karens, etc., who have immemorial feuds with the Burmese. In these areas Burmans will not serve, the staff is European, and the administration has often the forms, and sometimes the spirit, of indirect rule; thus, major chieftains in the Shan States retain powers of life and death, and administer their native customary law, not the English codes. Slavery and human sacrifice survive in unadministered areas west of Myitkyina and east of Lashio.

As for the Burmese themselves, what differentiates Burma from most of India is that the peoples of India have been commingled by repeated invasion, whereas the Burmese, inhabiting a geographical backwater, invaded seldom, and only by kindred races, developed what may fairly be called a nation state, and possess a national consciousness. The Anglo-Indian conquerors found in Burma a language and society unlike anything to which they were accustomed, and Western education was non-existent. Having to construct an administration at short notice, they brought over their subordinate Indian staff; and, finding Lower Burma largely an unoccupied waste, they encouraged Indian coolie immigration, paying shipowners, until 1884, a capitation fee on each Indian immigrant. Burmese resentment is acute, and successive lieutenant-governors now insist on the employment of Burmans. Indians still bulk large in subordinate medical and engineering staffs, but have been eliminated from general administration. As for European employment, the incidence of imperial service officers (all departments) rose from one in 26,000 people in 1850 to one in 20,000 in 1900, a year moreover when, of 142 police inspectors (on Rs. 150 monthly) outside Rangoon, eighty-two were European. A Burman first became a subdivisional magistrate in 1880, a deputy-commissioner in 1908, a chief court judge in 1917. Municipalities, created in 1875, have no vitality outside Rangoon; Ripon's scheme of rural autonomy could not be applied, owing to the paucity of the English-speaking public, and district boards have never existed. The administrative machine is a modern machine, needing modern minds to work it, and down to 1918 Burma has produced only 400 graduates.

Tribal rebellions in the Chin hills (1917–19), precipitated by recruiting, occupied 5000 troops. Otherwise the late war left Burma so unruffled that after Thibaw died in 1916, a state prisoner near Bombay, Supayalat was allowed to return to Burma. Burma's war contribution was not men but raw material—wolfram, and the three staples (rice, teak, petroleum). The forest department supplied the Admiralty direct, and in its need of food the home market offered such prices that no rice would have been left in the province had not government prohibited its export, save under official control for the benefit of the Food Ministry.

CHAPTER XXV

THE NORTH-WEST FRONTIER, 1843–1918

THE conquest of Sind in 1843 and the annexation of the Panjab in 1849, by advancing the British administrative boundary across the Indus, made it coterminous with the territories of the Baluch and Pathan tribes, and eventually brought the Government of India into closer contact with the khan of Kalat and the amir of Afghanistan. Thus there grew up two distinct schools of frontier administration, the Sind and the Panjab. The policy adopted in Sind can be roughly described as an uncompromising repression of outrages by a strong military force; the success of the Panjab system depended to a very large extent upon an efficient political management of the tribes.

Having crushed the power of the amirs, Sir Charles Napier immediately set to work to place Sind under a military administration, selecting his subordinates not from the ranks of the civil service but from the soldiers who had helped him in the conquest of the country. This arrangement naturally had its disadvantages, and, like the conquest of Sind, became the subject of embittered controversy. The most exposed part of the Sind frontier stretched for a distance of about 150 miles from Kasmore to the northern spurs of the Hala mountains, but, at first, no troops were stationed here, neither was it thought necessary to place anyone in charge of it. This immediately led to marauding incursions by Bugtis from the Kachhi hills and Dombkis and Jakranis from the Kachhi plain, who entered Sind in bands of five hundred or more, plundering and burning villages far inside the British borders. An attempt was therefore made to grapple with the problem by building forts and posting detachments of troops at certain points, and by appointing an officer to command this vulnerable part of the border. But these measures did not prove effective. Disorder reigned supreme. On several occasions British troops were signally defeated by these robber bands and once about sixty of the local inhabitants, who had turned out in a body to protect their homes, were mistaken for robbers and put to death by the 6th Bengal Irregular Cavalry, the very force which had been posted there for their protection.[1] Eventually, in 1845, Sir Charles Napier led an expedition against these disturbers of the peace, but it was only a qualified success. The Bugtis were by no means crushed, for, on 10 December, 1846, about 1500 of these freebooters marched into Sind, where they remained for twenty-four hours before returning to their hills, seventy-five miles away, with 15,000 head of cattle. It can

[1] *Records of Scinde Irregular Horse*, 1, 275.

be safely stated that, until the arrival of Major John Jacob and the Scinde Irregular Horse, in January, 1847, no efficient protection had been afforded to British subjects along this exposed frontier.

According to Jacob, the fact that the inhabitants of the British border districts were allowed to carry arms was chiefly responsible for the prevailing unrest, for they too were in the habit of proceeding on predatory excursions. Some of the worst offenders were the Baluch tribes from the Kachhi side, who had been settled in Sind by Napier in 1845. Strange to relate, the marauders from across the border disposed of most of their loot in Sind where the banias supplied them with food and the necessary information to ensure the success of their raids. What was worse, the military detachments stationed at Shahpur and other places remained entirely on the defensive, prisoners within the walls of their own forts, for no attempt was made at patrolling the frontier. In 1848, Major, afterwards General, John Jacob was appointed to sole political power on the Upper Sind frontier where he completely revolutionised Napier's system. Under Jacob's vigorous and capable administration, lands which had lain waste for over half a century were cultivated once more, and the people, who had lived in constant dread of Baluch inroads, moved about everywhere unarmed and in perfect safety. All British subjects were disarmed in order to prevent them taking the law into their own hands, but, as the possession of arms in a man's own house was not forbidden, the people were not left so entirely defenceless as is sometimes supposed.[1] No new forts were built and existing ones were dismantled, for Jacob believed that the depredations of Baluch robbers could be best checked by vigilant patrolling, to which the desert fringe of Sind was admirably adapted. In other words, mobility was the system of defence. At first Jacob advocated that the political boundary should coincide with the geographical. His contention was based on the supposed permanency of the latter, but the gradual disappearance of the desert as a result of increased cultivation caused him to alter his opinion.[2] Although Jacob, in his military capacity, commanded all troops on this frontier and was responsible to no one but the commander-in-chief, his duties did not cease here. Not only was he the sole political agent, but he was in addition superintendent of police, chief magistrate, engineer, and revenue officer.

It is now generally accepted that Jacob's methods were inapplicable to the Panjab where frontier administrators were faced by a much more formidable problem. The first colossal mistake on the Panjab frontier was the initial step, the taking over of the frontier districts from the Sikhs, and the acceptance of an ill-defined administrative boundary. Indeed, it was extremely unfortunate for the British that the Sikhs had been their immediate predecessors in the Panjab, for

[1] *Records of Scinde Irregular Horse*, II, 243.
[2] *Views and Opinions of General John Jacob* (ed. Pelly), p. 74.

Sikh frontier administration had been of the loosest type. They possessed but little influence in the trans-Indus tracts, and what little authority they had was confined to the plains. Even here they were obeyed only in the immediate vicinity of their forts which studded the country. Peshawar was under the stern rule of General Avitable whose criminal code was blood for blood, whose object was the sacrifice of a victim rather than the punishment of a culprit. Hazara groaned under the iron heel of General Hari Singh who was able to collect revenue only by means of annual incursions into the hills. Hence, on the Panjab frontier the British succeeded to a heritage of anarchy, for the Sikhs had waged eternal war against the border tribes and even against the inhabitants of the so-called settled districts. The administration of the Panjab frontier was further complicated by geographical conditions which offered every inducement to a marauding life. Not only was the frontier longer and therefore more difficult to defend, but it was also extremely mountainous, whereas in Sind a strip of desert intervened between British territory and the haunts of the Baluch robbers, facilitating the employment of cavalry and the use of advanced posts. In the Panjab rich harvests waved in dangerous proximity to the intricate maze of nullahs and valleys which gave access to the plains.

The aims of the Panjab authorities were to protect their subjects from the attacks of marauding bands, to keep the trade-routes open, and, as far as possible, to secure the tranquillity of the hitherto blood-stained border. It was imperative to put a stop to the state of affairs then in existence; and, in order to give the Pathans an impression of their strength, the British were forced to resort to reprisals. There could be no peace while raids were constantly taking place and individual acts of fanaticism rendered the life of any government servant unsafe. The evidence of Mr, afterwards Sir, Richard Temple, one of Lawrence's assistants in the Panjab, points to the fact that the tribes were absolutely incorrigible. He accuses them of giving asylum to fugitives from justice, of violating British territory, of blackmail and intrigue, of minor robberies, and of isolated murders of British subjects. Finally he charges them with firing on British regular troops and even with killing British officers within the limits of the Panjab.[1] On the other hand, the policy of Panjab administrators was one of forbearance, for, although British officials were prevented from entering tribal territory, the tribesmen were allowed to trade within the British borders. It seems clear that for over twenty-five years no official of the Panjab government crossed the border; they were certainly discouraged from doing so. Whatever the merits of this policy may have been, it was evidently a concession to the susceptibilities of the tribesmen, and intended in the interests of peace. The

[1] Temple, *Report showing relations of the British Government with the tribes of the N.-W.F. 1849–55*, 1856, pp. 63–4.

permission to trade and the provision of medical and other assistance to tribesmen entering the Panjab were certainly attempts to promote friendly relations. But the contumacious attitude of the tribesmen themselves eventually drove the British to resort to reprisals and resulted in a state of chronic warfare for many years. Of course it could not be expected that they would immediately cease from harassing the border: the customs and habits of centuries are not so easily thrown on one side. Thus the first step of the Panjab authorities was a defensive measure; the next was an attempt at conciliation, to show the tribesmen how they would benefit by becoming friendly neighbours.

Various conciliatory methods were adopted. The hated capitation tax of Sikh days and all frontier duties were abolished; a system of complete freedom of trade was instituted, and commercial intercourse encouraged in every way. Steps were taken to protect and increase the Powindah trade; fairs were held for the exchange of commodities; roads were constructed from the passes to the nearest bazaars; and steam communication was established on the upper Indus. Free medical treatment was provided in the hospitals and dispensaries established at various points along the frontier; tribal maliks and jirgas were encouraged to enter British territory for the settlement of their disputes; and attempts were made to colonise waste lands with families from across the border. Lastly, the ranks of the army and police were thrown open for all those desirous of entering British service.[1]

Because the Panjab frontier was too long and too mountainous to admit of its being defended by the military alone, much depended upon the political management of the tribes. At first there was no special agency for dealing with the tribal tracts, and relations with the tribesmen were conducted by the deputy-commissioners of the six districts of Hazara, Peshawar, Kohat, Bannu, Dera Ismail Khan, and Dera Ghazi Khan. In 1876 the three northern districts formed the commissionership of Peshawar, the three southern ones that of the Derajat. The system of political agencies was not adopted until 1878, when a special officer was appointed for the Khyber during the second Afghan War. Kurram became an agency in 1892, while the three remaining agencies of the Malakand, Tochi, and Wana were created between 1895 and 1896. The Malakand was placed under the direct control of the Government of India from the outset, all the other agencies remaining under the Panjab government. This was the arrangement until the creation of the Frontier Province in 1901.

To protect the frontier a chain of forts was erected along the British borders, parallel to which a good military road was constructed. A special force, the Panjab Frontier Force, was recruited from Sikhs, Pathans, Gurkhas, and Panjabi Mussulmans, and was placed, not

[1] *Panjab Administration Report*, 1869–70, p. 21.

under the commander-in-chief, but under the Board of Administration.[1] It was not until 1886 that this force was amalgamated with the regular army. In addition, the inhabitants of the frontier districts were allowed to retain their arms, and were encouraged to defend their homes.

Three methods of forcing the tribesmen to terms have been employed by the British: fines, blockades, and expeditions. The idea of inflicting a fine was to get compensation for plundered property and "blood-money" for lives lost. As a last resort the tribe was either blockaded or a punitive force was marched against it. Unfortunately, the cases in which a blockade can be successfully employed are extremely limited. To be completely successful, the blockading power must be in possession of the approaches to a country; it must be able to sever the arteries of trade and supplies; and must have the support or friendly co-operation of the surrounding tribes. From this it becomes apparent that the success of a blockade is largely determined by geographical conditions. This is the reason why the Adam Khel Afridis are so susceptible to this form of coercion. Surrounded by tribes with whom they have little in common; inhabiting hills within easy reach of the military stations of Kohat and Peshawar; and dependent upon their trade with British India for the necessaries of life, they are soon forced to come to terms.[2] The Panjab system of punitive expeditions has been most unfavourably criticised, but chiefly by exponents of the Sind School, such as Sir Bartle Frere, who condemned it because the whole tribe was punished for the offences of a few malcontents.[3] Frere, whose experience was confined to Sind, failed to recognise that the intensely democratic constitution of the majority of Pathan tribes rendered any distinction between the guilty and the innocent extremely difficult. Lord Lytton in his memorable minute of 22 April, 1877, condemned punitive expeditions as "a system of semi-barbarous reprisals", which had not always proved successful, even in the most limited sense.[4] Sir E. C. Bayley, a member of the viceroy's council, in his minute of dissent, pointed out that this attack was extremely unfair, for, in its inception, this policy had been forced upon the British as a natural consequence of Sikh misrule. Nevertheless, an examination of the causes leading up to frontier expeditions should bring the impartial student to the conclusion that there have been many occasions when the authorities in India have been only too ready to resort to punitive measures.

The existence of two distinct systems in two widely separated parts of the frontier, inhabited by tribes who differed considerably in characteristics and constitution, was a necessity. But, in the Dera

[1] *Panjab Administration Report*, 1892-3, pp. 32-3; *Confidential Frontier and Overseas*, I, vi-vii.
[2] Davies, "Coercive Measures on the Indian Borderland", *Army Quarterly*, April, 1928, pp. 81-95.
[3] Martineau, *Life of Sir Bartle Frere*, I, 363-8.
[4] *Parl. Papers*, 1878, LVIII (C. 1898), 142.

Ghazi Khan district, an anomalous state of affairs had grown up in the meeting-place of Pathan and Baluch tribal areas. Certain tribes, such as the Marris and Bugtis, came into contact with both systems of frontier policy, for their territories were contiguous to the Dera Ghazi Khan district of the Panjab and also to the Upper Sind frontier. Under the former system they received allowances; under the latter this was not the case. In the Panjab they held possessions on both sides of the administrative boundary; in Sind this was not allowed. Under the Sind system, military posts had been pushed far into the neighbouring hills, with the result that the Panjab boundary was in the rear of the Sind posts. In the Panjab the tribesmen were dealt with by special regulations framed in accordance with their customary laws, tribal system, and blood-feuds. The reverse was the case in Sind where no notice was taken of tribal ties or of local custom. There, the prosecution of a blood-feud was considered as malice aforethought, and no allowances were made in passing sentences in such cases. To settle this difficulty, a conference between Panjab and Sind officials took place at Mittankot, on 3 February, 1871. Another object of the conference was to determine the exact relations between the khan of Kalat and his sardars. The Sind authorities considered that they alone were responsible for political negotiations with the khan; and, acting under this belief, they had attempted to control the Marris and Bugtis through their legitimate chief. On the other hand, the Panjab government had no direct relations with Kalat, and compensation for offences committed by these tribes had been obtained through Sind. In 1867 Captain Sandeman, the deputy-commissioner of Dera Ghazi Khan, had entered into direct relations with these tribes, which action had been followed by a period of peace on the Panjab frontier. Far otherwise was the case on the Sind frontier, where the absence of any definite engagements was considered as an excuse for marauding ncursions. One flagrant case has been placed on record where a tribe, which had been prohibited from entering Sind, still remained in receipt of allowances on the Panjab frontier.[1] The conference resulted in the following proposals being placed before the Government of India. In future, Marri and Bugti tribal affairs should be placed under the control of Sandeman who, for this purpose, should consider himself subordinate to the Sind authorities. All payments to Marri and Bugti chiefs should be made in the name of the khan of Kalat. No decision was arrived at regarding the relations existing between the khan and his sardars. These recommendations were sanctioned by the Government of India on 19 October, 1871.

During the years 1872 to 1878 several important measures calculated to improve the administration of the frontier districts were introduced.[2] To ensure a better understanding between government

[1] *Parl. Papers*, 1877, LXIV (C. 1807), 77.
[2] *Idem*, 1878, LVIII (C. 1898), 68–76.

officials and the tribesmen, civil officers were obliged to qualify themselves by passing an examination in either Pashtu or Baluchi. In the interests of peace the nawab of Tank, a loyal but incompetent ally, was relieved of the police administration of his troublesome charge. To increase its efficiency the militia of the Derajat, a local force acting as an auxiliary to the Panjab Frontier Force, was reorganised; and, in 1878, as a result of a Defence Committee which met at Peshawar in 1877, measures creating a Border Police and Militia were sanctioned for parts of the Kohat and Peshawar districts. This meant that the procedure adopted at the annexation of the Panjab was reversed, for the militia now took the place of the military as a first line force. Lastly, with a view to their becoming industrious agriculturists, settlements or colonies of Afridis, Waziris, Gurchanis, Bhittannis, and Bugtis were formed in British territory. This has often been put forward as a solution to the frontier problem, but its success or failure depends upon the fierceness of the tribe and the distance it is removed from its original habitat. It has been tried with success in the Yusafzai country, but this cannot be said of the experiment in so far as the more turbulent Mahsud is concerned. This was the state of affairs on the Panjab frontier on the eve of the second Afghan War, in 1878. While this system of defence was being evolved in the north, great changes had been taking place on the southern frontier.

Relations between Kalat and the Government of India were regulated by the treaty of 14 May, 1854, which pledged the khan to abstain from negotiations with any other power, without first consulting the British; to receive British troops in Kalat whenever such a step should be thought necessary; to protect merchants passing through his territories; and to prevent his subjects from harassing the British borders. In return for this he received an annual subsidy of Rs. 50,000.[1] About the year 1869 it became apparent that Khudadad Khan, who had used this subsidy to raise a standing army, was attempting to increase his authority at the expense of his confederated chiefs; and, it was obvious that, if British support were withdrawn, Kalat would become the scene of internecine struggles.

"It is surely time for our government", wrote Sandeman in 1869, "to interfere when we find that the Khan of Khelat's mismanagement of his khanate has led to the peace and administration of that part of the Punjab border being placed in much jeopardy; for such truly is the case."[2]

By the end of 1871 the sardars were in open revolt against the khan's authority, and the anarchy prevailing in Kalat led to raids along the British borders. The climax was reached in 1873, when Major Harrison, the British agent, was recalled, and the khan's subsidy withheld, because he had failed to comply with the terms laid down in the treaty of 1854. Instead of sanctioning an expedition, the

[1] *Parl. Papers*, 1873, L. [2] *Idem*, 1877, LXIV (C. 1807), 6.

Government of India decided to dispatch Sandeman on a mission of reconciliation to the khan's territories. It was Sandeman's second mission, in 1876, that led to the Mastung Agreement and the treaty of 1876, which marked the death of non-intervention on the southern frontier.[1] By the Mastung Agreement of July, 1876, the khan and his Brahui sardars were formally reconciled. The Treaty of Jacobabad, signed on 8 December of the same year, renewed and supplemented the treaty of 1854. In return for an increased subsidy the khan granted permission for the location of troops in, and the construction of railway and telegraph lines through, Kalat territory. The importance of the treaty lies in the fact that it was the foundation of the Baluchistan Agency, for on 21 February, 1877, Major Sandeman was appointed agent to the governor-general, with his headquarters at Quetta. Lord Lytton justified this advance on the ground that it was impossible to remain inert spectators of the anarchy in Kalat, when the connection between Kalat and Sind was so intimate that any disturbance in the one was immediately reflected in the other.

Sir Robert Sandeman's tribal policy was one of friendly and conciliatory intervention. Casting all fear on one side, he boldly advanced into their mountain retreats and made friends with the tribal chiefs or tumandars. Recognising that the British side of the question was not the only side, he never condemned the action of a tribe, until he had fully investigated its grievances. This had been impossible under a system of non-intervention which prohibited officers from entering the independent hills. The weakest part of his system was that it depended too much upon the personal influence of one man. There have not been wanting critics who have regarded his system of granting allowances as blackmail. This charge falls to the ground when it is remembered that those in receipt of allowances had strenuous duties to perform in the guarding of trade-routes and passes, and in the carrying out of jirga decrees. Allowances may be termed blackmail when they are granted solely to induce the tribesmen to abstain from raiding. Sandeman never withheld allowances because of offences committed by individual members of a tribe. He always demanded that the actual offenders should be brought to justice, that the guilty alone should be punished. This system was quite successful amongst Baluch tribes where there was some tribal chief powerful enough to enforce his authority. Its introduction by Mr R. I. Bruce, the Commissioner of the Derajat (1890–6), into Waziristan among the more democratic Mahsuds, where no such authority existed, ended in complete failure. Bruce, who had previously served under Sandeman, hoped that Mahsud maliks, chosen by him, would, in return for allowances, be able to control the ulus, the name given to the body of the Mahsud tribe.[2] But Bruce made a fatal mistake. He

[1] *Parl. Papers*, 1877 (C. 1808), pp. 255–7, 314–16.
[2] *Idem*, 1902 (C. 1177), pp. 125–7.

introduced his maliki system without first having occupied a commanding and central position in the Mahsud country. Sandeman, on the contrary, realised that the first essential was to dominate the Baluch country with troops. The policy of Sir Robert Warburton in the Khyber was similar to that of Sandeman, in that an attempt was made to gain the confidence of the surrounding tribes. But, in reality, the two systems were fundamentally different, for, in the Khyber, the object aimed at was the control of the pass. To this everything else was subordinated. It was not considered necessary to extend British control over the neighbouring tribes, though friendly intercourse was not forbidden. For this reason, in the Khyber, the British never interfered with the internal feuds of the Afridis, who were allowed to wage war, even within sight of the walls of Jamrud, so long as their struggles did not affect the protection of the pass.

It will be convenient at this stage to summarise the later history of Baluchistan, for, after 1890, interest chiefly centres in the Pathan frontier. By the Treaty of Gandammak, May, 1879, Pishin and Sibi were handed over to the Government of India by Yakub Khan as "assigned districts", which meant that any surplus of revenue over expenditure had to be handed back to the amir.[1] Although this treaty was abrogated by the massacre of Cavagnari and his escort, these areas were retained by the British, but were not declared British territory until 1877, when the agent to the governor-general was appointed chief commissioner for them. The ten years preceding Sandeman's death, in 1892, were marked by tremendous administrative activity. Communications were opened out in every direction, irrigation schemes were taken in hand, forests were developed, and arrangements made for the collection of land-revenue. In the administration of justice the indigenous system of jirgas, or councils of tribal elders, has been developed under British administration. Local cases are referred to local jirgas, while more important disputes are placed before inter-district jirgas, or before the Shahi Jirga, which meets twice a year, once at Sibi and once at Quetta. The province as now administered can be divided into British Baluchistan, consisting of the tracts assigned by the Treaty of Gandammak; agency territories, which have been acquired by lease or otherwise brought under the control of the Government of India; and the native states of Kalat and Las Bela.

Closely interwoven with the local question of tribal control is the more important problem of imperial defence. From the conquest of the Panjab, in 1849, frontier policy was in the hands of administrators of the Lawrence or "non-intervention" school, but the arrival of Lord Lytton, in 1876, marked the end of "masterly inactivity". It was the second Afghan War, 1878–80, and the consequent occupation of Afghan territory, that impressed upon statesmen the necessity for a

[1] Aitchison, *Treaties*, XI, 346.

scientific frontier. Military strategists became divided into two opposing camps, the Forward and the Stationary. Both these terms are unfortunate in that they can both be subdivided into the extremists and the moderates. The extreme section of the Forward School did not know where their advances would stop; the moderates desired the best possible strategic frontier with the least possible advance. On the other hand, the extreme advocates of non-intervention would have held the Indus line; the moderates were inclined to an advance, if it could have been proved to them that Russia constituted any real menace.

The essential function of any frontier is that of separation. But a good frontier, while serving this useful purpose, should at the same time constitute a line of resistance following, as far as possible, easily recognisable natural features, and avoiding sharp salients and re-entrants. If possible, it should also be based upon ethnic considerations. There are four possible lines of resistance on the Indian borderland: the river Indus; the old Sikh line, which roughly corresponds to the administrative boundary; the Durand line, delimited in 1893 and demarcated, as far as was possible, in the succeeding years; and the so-called scientific frontier stretching from Kabul through Ghazni to Kandahar. Military experts have waxed eloquent over what they have considered to be India's best line of defence. One thing however is certain: they have all erred in regarding it from a purely military point of view, when the problem should have been examined in all its aspects, military, political, ethnological, and financial.

Early writers went astray in supposing that the Indus was once the north-west frontier of India. This is the origin of the "Back to the Indus" cry. It can be safely asserted that the Indus frontier, in the literal sense of the term, never existed. The British inherited their frontier from the Sikhs who never held the river line, but the foothills towards the independent Pathan country. The greatest exponent of the Indus boundary was Lord Lawrence, who advocated meeting any invader in the valley of the Indus, for the longer distance an invading army had to march through Afghanistan and the tribal country, the more harassed it would be.[1] This contention is contrary to the opinion of the greatest military authorities who hold that a river is not a good line of defence in that it can always be forced by an enterprising general. The defensive capacity of rivers naturally varies, and depends very much upon whether the defenders' bank commands the other. This is not the case with the Indus, where the left bank is flat and is frequently commanded by the right. Although many of the defects of the old days have been remedied by improved communications in the rear, the natural defects still remain. The Indus is continually shifting its course, and, when in flood, overflows its bank for miles on either side. Again, the unhealthiness of the valley renders it unsuitable as

[1] *Parl. Papers*, 1878–9, LXXVII (73), 15.

an area for the concentration of troops. Perhaps the weightiest argument that can be brought forward against meeting an enemy on the banks of the Indus is the disastrous moral effect such a course would have upon the inhabitants of the Indian peninsula.

The present administrative boundary, besides violating ethnic considerations, breaks nearly every requirement of a good frontier. To give but one example: Peshawar and Kohat are separated by a sharp salient of independent territory, known as the Jowaki peninsula, through which narrow strip of Afridi country runs the road between these two important frontier outposts. This is a notorious example of the haphazard way in which the frontier was taken over from the Sikhs. Both here and in the Gumatti area, farther south, the boundary line should have been straightened out long ago.

The Durand line, which demarcates the respective spheres of influence of the amir and the Government of India over the frontier tribes, possesses no strategic value at all. The Khost salient between Kurram and Waziristan is but one of its many strategical imperfections. This disposes of three possible lines of resistance. The real frontier that the British are called upon to defend in India is the mountain barrier. To do so, it is essential to cross the Indus in order to prevent the enemy from debouching on to the plains. To defend a mountain barrier it is necessary to do more than this. The defenders must be in a position to see what is taking place on the other side. The greatest advance from the old red line of the maps was the result of Sandeman's work in Baluchistan. The strategic importance of Quetta must now be discussed.

The proposal to occupy Quetta dates back to the days of General John Jacob of Sind fame, who, in 1856, urged Lord Canning to garrison this important point of vantage, for, as he observed, this would enable the British to threaten the flank of any army advancing upon the Khyber.[1] In his letter of 18 October, 1856, Lord Canning rejected the proposal on the grounds that, surrounded by hostile tribes and cut off from its true base, the isolated position of the garrison would be extremely precarious. The next time, in 1866, the proposal emanated from Lieutenant-Colonel Sir Henry Green, the political superintendent of Upper Sind, but, unfortunately, it had to face the united opposition of Lord Lawrence and his council. Ten years passed. The exponents of "masterly inactivity" were no longer predominant in the viceroy's council-chamber; Khiva had fallen before Cossack hosts which were drawing nearer and nearer to the gates of India; and, more dangerous still, the estrangement of the amir Sher 'Ali had brought India and Afghanistan to the brink of war. Reference has already been made to the occupation of Quetta which served such a useful purpose during the second Afghan War. During this war the question of the so-called scientific frontier was broached: should the

[1] *Views and Opinions of General John Jacob* (ed. Pelly), p. 349.

British hold the Kabul, Ghazni, Kandahar line? Some extremists advocated the retention of all the recent conquests in Afghanistan; others recommended a complete withdrawal, even to the banks of the Indus. Amongst the moderates the stumblingblock was the retention of, or withdrawal from, Kandahar. The question was further complicated by a discussion as to the relative merits and demerits of the Khyber, Kurram, and Bolan as channels of communication with Afghanistan.[1]

The retention of Kandahar was advocated on military, political, and commercial grounds. Situated at the junction of roads leading to Kabul and to Herat, Kandahar dominated the whole of southern Afghanistan. Easily defensible, with a good water supply, its garrison would not be called upon to endure great hardships. A strongly fortified Kandahar would not only threaten the flank of any force advancing by way of Kabul towards the Khyber, but forces advancing simultaneously from Kabul and Herat would also be isolated. The majority of minutes written in support of retention entirely ignored the financial side of the question, and refused to acknowledge that permanent occupation would entail a drain of money and men. But would the occupation of Kandahar have been the end of an advance into Afghanistan? It was predicted that the defence of Kandahar would necessitate the occupation of Girishk and Kalat-i-Ghilzai, in which case the British would have been called upon to defend a frontier as unscientific as the one it was proposed to abandon, for both ran along the foothills of a wild, mountainous country.[2] Some even went so far as to assert that the British advance would not cease until Herat had been reached, for the greatest difficulty confronting the Forward School would be to know where to stop. Fortunately the counsels of the moderates prevailed. They realised that the recent acquisitions in Baluchistan would enable the British to occupy this position whenever it became necessary, for in their eyes the importance of Kandahar was a war-time importance only. Furthermore, the later extension of the railway to New Chaman advanced the British borders to the Khwaja Amran range, beyond which a broad desert stretched to the walls of Kandahar. Closely connected with the Kandahar question was the proposal to occupy the Kabul, Ghazni, Kandahar line, which was the outcome of a desire to discover the best possible line of defence against invasion from the direction of Central Asia. It was argued, that, if this line were connected with the main Indian railway system, troops could be rapidly concentrated on either flank. Neither the right flank nor the left could be turned, for the northern was protected by an almost impenetrable maze of mountains, the southern by an impassable desert. The retirement already

[1] Davies, "An Imperial Problem", *Army Quarterly*, October, 1927, pp. 28–41; see also *Parl. Papers*, 1881, LXX, 67.

[2] *Parl. Papers*, 1881, LXX (C. 2776), 91.

referred to necessitated the abandonment of this frontier. The British scheme of defence against Russia was settled not by military strategists, but by diplomatists. The steady advance of Russia towards the northern frontiers of Afghanistan brought about a compromise between the Forward and Stationary Schools, and it was decided to build up a strong, friendly, united Afghanistan to serve as a buffer state. By means of an annual subsidy, together with gifts of arms and ammunition, an attempt was made to form a closer and more intimate alliance with the amir. At the same time the frontiers of Afghanistan were strictly defined by international agreement; and, as long as British control of Afghan foreign affairs continued, any violation of the amir's northern frontier by Russia would have been tantamount to a declaration of war.

This settlement of the imperial problem by no means settled the local problem of tribal control. The causes of unrest on the Indian borderland are geographical, economic, religious and political. Certain factors, such as the geographical and economic, have been operative from the dawn of history: others, such as the arms' traffic, are of more recent origin. As long as hungry tribesmen inhabit barren and almost waterless hills, which command open and fertile plains, so long will they resort to plundering incursions in order to obtain the necessaries of life. The rich *daman* (plain) of Dera Ismail Khan is a case in point. The greater part of Waziristan is a region of stony nullahs and barren *raghzas* (plateaux), with only occasional stretches of cultivated land in the warmer valleys. In close proximity lie the fertile plains of the Derajat, while to the south runs the famous Powindah caravan route from Ghazni and the bazaars of Central Asia. Thus the plundering of caravans and the raiding of the *daman* have been forced upon the Mahsud by his environment. In the cold weather, from November to April, the tribesmen enter British India to engage in agricultural labour and for the purpose of trade. In April they receive their allowances, after which they return to their hills. For this reason, "the political barometer of the North-West Frontier is always more nearly at 'fair' in April than at any other season of the year".[1] Therefore, the hot season, when no hostages remain in British territory, is the Pathans' opportunity.

Although it is often stated that the economic factor is at the root of almost every frontier disturbance, a close study of the problem should convince anyone that political propaganda, especially from 1890 onwards, has been the most potent cause of unrest. It has been Afghan intrigues, either instigated directly from Kabul with the full cognizance of the amir, or carried on by his local officials, which have from time to time incited the tribes to rebel against the British raj. The colony of Hindustani fanatics, which for years disturbed the peace of the Hazara border and which was reinforced by a steady stream of

[1] *Secret Border Report*, 1917–18, p. 1.

recruits from Bengal and other parts of India, is a notorious example of anti-British intrigues originating in British India.

Considerable unrest has also been produced by the practice of dealing with the tribes through *arbabs*, or Pathan "middlemen". This system, the adoption of which was to a certain extent inevitable in the early days of British rule, when officers were ignorant of the language and customs of the tribes, was one of the evils inherited from the Sikhs. In the year 1877 a raid, committed by Bunerwals on the Yusafzai border, was traced to the direct instigation of Ajab Khan, a "middleman" and leading khan of the Peshawar district. One of the chief causes of trouble on the Kohat borders before the Miranzai expeditions of 1891 was that a local "middleman", the khan of Hangu, had stirred up discontent amongst the very tribes for whose peaceful conduct he was responsible.[1]

Throughout the 'nineties of the last century, especially from 1895 onwards, the frontier districts were abnormally disturbed. There were two main reasons for this: the forward policy pursued under Lord Lansdowne and Lord Elgin, and the intrigues of the amir of Afghanistan. By the year 1889 Sandeman had extended British control over the Bori and Zhob valleys, to the south of the Gumal pass. The occupation of Zhob was of paramount importance from a military, political, and commercial standpoint. Not only did it shorten the British line of defence and prevent raiding gangs from escaping into Afghanistan, but it also served as a protection for the Gumal trade-route. In the year 1890 the Gumal river, from Domandi to its junction with the Zhob stream, was declared the boundary between Baluchistan and the Panjab frontier zone.

The opening years of the 'nineties witnessed punitive expeditions against the Shiranis inhabiting the slopes of the Takht-i-Sulaiman; the Orakzai clans in the neighbourhood of the Samana range; the Isazai tribes of the ill-omened Black Mountain;[2] and the petty chiefs, or thums, of Hunza and Nagar.[3] Far more important than these petty wars was the peaceful acquisition of the Kurram valley, which was taken over, in 1892, at the request of its Turi inhabitants. This active policy along the entire length of the British border, especially its later developments, not only alarmed the tribesmen whose independence has ever been their proudest boast, but it also thoroughly alarmed the amir, Abd-ur-rahman Khan, with the result that, between 1890 and 1898, Anglo-Afghan relations were so strained, that on several occasions war seemed imminent. When it is realised that the inhabitants of the frontier hills, with rare exceptions, are orthodox Muhammadans of the Sunni sect, and are, in many cases, of the same racial stock as the people of south-eastern Afghanistan, it becomes

[1] *Parl. Papers*, 1890–1, LIX (C. 6526), 8–9.
[2] Mason, *Expedition against Isazai clans*; *Parl. Papers*, 1890–1, LIX (C. 6526), pt II.
[3] Durand, *The Making of a Frontier*; *Parl. Papers*, 1892, LVIII (C. 6621).

apparent that the amir has been able to show his displeasure by exploiting the marauding proclivities of these turbulent tribesmen. For this reason, it was fortunate for the British during the Mutiny that diplomatic negotiations had resulted in the Anglo-Afghan Treaty of 1855 and the Agreement of January, 1857. The outbreak of war with Afghanistan in 1878 was the signal for increased disturbances throughout the tribal zone. The Hazara border was in a perpetual ferment; the Khyber was constantly raided by Zakka Khels and Mohmands; Zaimushts harassed the Kohat line of communications; and Mahsuds from the heart of Waziristan raided and laid waste the country in the vicinity of Tank.

For some time before the dispatch of the Durand Mission to Kabul, in 1893, it had been rumoured abroad that the British were desirous of a more exact delimitation of the Indo-Afghan frontier. This knowledge may have led to the increase of the amir's intrigues in Zhob and Waziristan. It undoubtedly prompted Abd-ur-rahman Khan to write a letter to the viceroy, in which he warned Lord Lansdowne of the results of a more forward policy.

"If you should cut them out of my dominions", he wrote, "they will neither be of any use to you nor to me. You will always be engaged in fighting or other trouble with them, and they will always go on plundering. As long as your government is strong and in peace, you will be able to keep them quiet by a strong hand, but if at any time a foreign enemy appear on the borders of India, these frontier tribes will be your worst enemies.... In your cutting away from me these frontier tribes, who are people of my nationality and my religion, you will injure my prestige in the eyes of my subjects, and will make me weak, and my weakness is injurious for your government.[1]"

The Durand Agreement of 1893 resulted in the delimitation of a boundary, afterwards known as the Durand line, across which neither the amir nor the Government of India was to interfere in any way. The importance of this agreement has been somewhat overrated. It is true that by putting an end to the existing uncertainty the demarcation of this boundary should have considerably facilitated frontier administration, but frontier history, since 1893, shows that this agreement has not only increased the responsibilities of the Government of India, but has also increased the chances of collision with the tribes and of war with the amir. The new boundary line was not based upon sound topographical data, for, during the process of demarcation, it was discovered that certain places, marked on the Durand map, did not exist on the actual ground. Many ethnic absurdities were perpetrated, such as the handing over to the amir of the Birmal tract of Waziristan, peopled by Darwesh Khel Waziris, the majority of whom were included within the British sphere of influence. The worst blunder of all was the arrangement by which the boundary cut the Mohmand tribal area into two separate parts. It seems certain that

[1] Abd-ur-rahman, *Autobiography*, II, 158.

this could not have been a tripartite agreement, for there is no evidence that the tribesmen were consulted before 1893. To give but one example: it was not until the year 1896 that the Halimzai, Kamali, Dawezai, Utmanzai, and Tarakzai Mohmands, afterwards known as the eastern or "assured" clans, accepted the political control of the Government of India.[1] In all probability the political issues at stake occasioned this sacrifice of ethnological requirements. If the amir had not been promised the Birmal tract, it is quite likely that he would have refused his consent to the inclusion of Wana within the British sphere of influence. In the light of subsequent events it is difficult to understand the reasons which prompted the amir to sign this agreement. It may have been that the increase of his subsidy to eighteen lakhs of rupees, and the recognition of his right to import munitions of war, bribed him into acquiescence.

While these negotiations were taking place Chitral became the scene of fratricidal conflicts. On his death, in 1892, Aman-ul-mulk, the Mehtar of Chitral, had been succeeded by one of his sons, Afzal-ul-mulk, who, after a short reign of two months and seven days, was slain by his uncle, Sher Afzal, who had been allowed to escape from Kabul where he had been living as a pensioner of the amir. Sher Afzal held the reins of government until he was ousted from his position by his nephew, Nizam-ul-mulk, who was recognised by the Government of India. It is significant that Sher Afzal fled to the camp of the Afghan commander-in-chief at Asmar. In answer to the new Mehtar's request, a mission under Dr Robertson was dispatched to Chitral. Although Robertson advocated the retention of British troops in Chitral and Yassin,[2] Lord Lansdowne, towards the end of 1893, issued instructions for the withdrawal of the political officer from Chitral, if no further complications occurred. Two factors were instrumental in reversing this decision. It was considered inexpedient to withdraw so long as the Pamir boundary dispute with Russia afforded an excuse for aggressive action from that direction. It was further feared that, owing to the hostile attitude of Umra Khan of Jandol, on the southern borders of Chitral, withdrawal would be followed by a period of anarchy. In January, 1895, the Mehtar was murdered, and Sher Afzal once more appeared on the scene. To make matters worse, Umra Khan proclaimed a jehad throughout Dir, Swat, and Bajaur, and Robertson found himself besieged in Fort Chitral by a combined force of Chitralis and Pathans.[3] This necessitated the immediate dispatch of a relief column. The memorable siege from 4 March to 19 April, 1895; the heroic efforts of the defenders; Kelly's marvellous march of 350 miles in 35 days from Gilgit; and the advance of Sir Robert Low by way of the Malakand are well known to students of the frontier problem.

[1] *Parl. Papers*, 1908, LXXIV (Cd. 4201), 125–6.
[2] *Idem*, 1895, LXXII (C. 7864), 27–9.
[3] *Idem*, pp. 35–42.

Prior to Low's march over the Malakand, the only communication with Chitral was by way of Kashmir and the isolated position of Gilgit. Not only was this route circuitous and the roads bad, but Gilgit for many months in the year was cut off by snow from both India and Chitral. The question of the retention of a garrison in Chitral therefore hinged on the proposal to construct a more direct road over the Malakand. As soon as it had been decided to move troops over the Malakand and Lowarai to Chitral, a proclamation had been issued on 14 March, 1895, to the people of Swat and Bajaur, to the effect that if they granted British forces an unmolested passage through their territories, their country would not be occupied.[1] On 8 May, 1895, the Government of India decided to retain a garrison in Chitral; and, to ensure its safety, proposed the construction of a road from Peshawar through Swat. This decision did not meet with the approval of Lord Rosebery's cabinet and the liberal government at home. Once more, however, was an important imperial problem to become the sport of English party politics, for this decision was reversed by Lord Salisbury's government in August of the same year. The liberal contention, that the construction of the new road was a deliberate breach of faith with the tribes and contrary to the spirit of the proclamation, was merely a party cry, for the tribes, with one exception, had paid no heed to the proclamation and had resisted the British advance.[2]

Is the retention of a garrison in Chitral a strategic necessity for the protection of that part of the frontier? It was pointed out at the time that, by the Durand Agreement, the amir had pledged himself not to interfere in Swat, Bajaur, or Chitral: consequently all danger from Afghanistan had passed away. On the other hand, it should have been remembered that Afghan intrigues had played no small part in the recent struggles in Chitral. On 10 September, 1895, the Pamir boundary dispute came to an end, and the spheres of influence of Great Britain and Russia were definitely mapped out in that region. Some authorities were therefore of opinion that the danger of Russian aggression had passed away. The answer to this was that the Pamir Agreement had brought Russia a great extension of military and political prestige, because she had been allowed to advance her frontiers to the Hindu Kush. Military experts were at loggerheads. Lord Roberts lent his support to the advocates of retention. Arrayed against him were formidable antagonists, such as Sir Donald Stewart, Sir Neville Chamberlain, Sir John Adye, Sir Charles Gough, and Lord Chelmsford. It is, however, difficult to see how any effective movement could be made by Russia from the Chitral side, unless she were in complete military occupation of Afghanistan, or in friendly alliance with the amir. In 1895 the danger of an attack upon India from the direction of Chitral was infinitesimal.

[1] *Parl. Papers*, 1895, LXXII (C. 7864), p. 39. [2] *Idem*, 1896, LX (C. 8037), 9–10.

The echoes of the Chitral expedition had no sooner died away than the frontier was abnormally disturbed by the conflagration of 1897. The first outbreak occurred in the Tochi valley, which had been taken over, at the request of its Dawari inhabitants, in 1895. Here, on 10 June, 1897, the political officer and his escort were treacherously attacked in the village of Maizar. Thence the revolt spread into Swat, where the tribesmen rose under Sadullah Khan, the Mad Mullah, and attacked the Malakand and Chakdarra. The next to rebel were the Mohmands, who, under Najm-ud-din, the Adda Mullah, attacked the village of Shankargarh in the Peshawar district. Finally, the Orakzais and Afridis, instigated by Mullah Sayyid Akbar, an Aka Khel Afridi, captured the Khyber forts and laid siege to the Samana posts. The result was that troops had to be marched to Datta Khel in the Tochi; to Swat, Bajaur, Chamla, the Utman Khel country, and Buner. The Mohmands were punished by a force operating from Peshawar; and lastly, a well-organised expeditionary force penetrated into the heart of Orakzai and Afridi Tirah.

Many frontier officials believed that each rising had its own particular local cause; that, in the beginning, there was not the slightest connection between the Malakand, Afridi, and Maizar disturbances.[1] The relative importance of fanaticism, Afghan and other intrigues, and the feeling of unrest engendered by discontent at tribal allowances, as causes of the Maizar outrage, will perhaps never be definitely determined, but it seems certain that the exaggerated reports of this affair, disseminated by anti-British mullahs, did tend to affect the rest of the border—to some extent Maizar heralded the approaching storm.

The main factors underlying the 1897 risings were the active forward policy pursued in the 'nineties and the influence of fanaticism. There can be no doubt that this policy of intervention in tribal affairs had thoroughly alarmed and annoyed the amir. The charges brought against Abd-ur-rahman were that he had received deputations from the British tribal zone; that he had failed to prevent his regular troops and subjects from joining tribal lashkars; and that he had granted an asylum to the enemies of the Government of India. It is a well-known fact that he addressed an assembly of mullahs from all parts of Afghanistan and the frontier, and impressed upon them that it was the duty of all true believers to wipe out the infidel. It is significant, too, that at the same time he assumed the title of Zia-ul-Millat wa-ud-Din, the "Light of the Nation and Religion". The publication of the amir's book entitled *Taqwim-ud-din*, "Catechism" or "Almanac of Religion", which dealt with the question of a jehad, was, to say the least, inopportune. A correct interpretation of this book may have been perfectly harmless; the construction placed upon it by frontier mullahs and its distribution within the British tribal zone were not calculated to promote peaceful relations.

[1] Bruce, *Forward Policy and its Results*, p. 141.

In 1897 a spirit of fanaticism was in the air. Wholesale massacres of Christians had taken place; the Turks had been victorious over the infidel Greeks; the Arabs of the Sudan had broken British squares; and behind it all was the sinister figure of Sultan Abdul Hamid II. British prestige was very low indeed until that crushing blow at Omdurman. It would be difficult to state how far these happenings affected the Indian frontier, but certain letters discovered in Mullah Sayyid Akbar's house in the Waran valley of Tirah show clearly the wild rumours that were prevalent.[1] Contemporary opinion, especially that of officers and officials in the war zone, favoured fanaticism as the chief cause of the outbreak, but they have ever been ready to confuse fanaticism with the natural desire of the tribesmen for independence.

If the risings were the outcome of a more forward policy, why did the movement not spread to Baluchistan and Kurram? A detailed answer to this question would revive one of the greatest of frontier controversies, the respective merits and demerits of the Sandeman and Panjab systems. The answer lies in the difference between the Baluch and Pathan, in tribal constitution and in racial characteristics, and in the fact that Baluchistan had long enjoyed an ordered administration. Although minor disturbances did take place among the Sarawan Brahui chiefs and in Makran, it would be difficult to connect them with the northern Pathan upheaval. As for the Turis of Kurram, they were Shiahs and at deadly enmity with their Sunni neighbours.

Thus, when Lord Curzon arrived in India, in January, 1899, the Government of India had successfully brought to a conclusion a series of punitive expeditions against widespread and violent tribal risings. The new viceroy found more than 10,000 troops cantoned across the administrative border, in the Khyber, on the Samana range, in Waziristan, and in the Malakand area. Not only were these advanced positions many miles from a base, but they were also entirely unconnected by lateral communications, and were consequently in constant danger of being overpowered before supports could be rushed to their assistance. The lesson of 1897 seemed to have had no effect upon the authorities in India, for, not only were they still persisting in a policy of dispersion instead of concentration of forces, but proposals were also being brought forward for the construction of fresh and costly fortifications in tribal territory.[2] Fortunately, wiser counsels prevailed under Lord Curzon, whose policy can be described as one of withdrawal and concentration. In other words, the policy pursued in the 'nineties was to be replaced by one of non-interference resembling in many respects the old "close border" system. What Lord Curzon accomplished can be best summed up in his own words:

Withdrawal of British forces from advanced positions, employment of tribal forces in defence of tribal country, concentration of British forces in British

[1] *Parl. Papers*, 1898 (C. 8714), Appendix G, p. 39 c. [2] *Idem*, 1901 (Cd. 496), p. 116.

territory behind them as a safeguard and a support, improvement of communications in the rear.[1]

The important point to remember about his militia scheme is that he recognised that a tribal militia would break down, if called upon to perform the duties of regulars. Consequently, he arranged for their protection and support by movable columns and light railways. By 1904 the new system was in operation along the whole frontier from Chitral to Baluchistan. All regular troops had been withdrawn from Gilgit, and the protection of that isolated position left in the hands of the Kashmir Imperial Service troops. In Chitral alone were regular forces to be found. These were concentrated at Kila Drosh in the extreme south, at a discreet distance from the Mehtar's capital. Mastuj was the headquarters of the Chitrali irregulars. In 1902 the Khar Movable Column was withdrawn and regulars stationed at Chakdarra, Malakand and Dargai. Chakdarra was of great importance owing to the fact that the Swat river had been bridged at that spot, and because it was the starting-point of the famous road to Chitral. All the outlying posts were held by the Dir and Swat levies, who were responsible for the safety of the road. To support the Malakand garrisons, a light railway was constructed from Naushahra to Dargai. Similarly, regular troops were withdrawn from the Khyber, which was guarded by the reorganised Khyber Rifles, consisting of two battalions under British officers. For their support a flying column was kept in constant readiness at Peshawar, which was connected with Jamrud by an extension of the broad gauge railway, with Landi Kotal by a road running through the Mullagori country, and with Kohat by a cart-road running through the Kohat pass. The Mullagori road was an alternative route to the Khyber, and its construction had been previously advocated by Sir Robert Warburton. The bridge over the Indus at Kushalgarh and the extension of the railway from Kohat to Thal were not completed during Lord Curzon's term of office. In the Orakzai country, the Samana Rifles were raised, and were supported by British troops at Kohat. British garrisons were recalled from Kurram and were replaced by two battalions of the Kurram Militia, equipped and officered on the same lines as the Khyber Rifles. In the Waziri country, the Northern and Southern Waziristan Militia were raised for the protection of the Tochi and Gumal passes respectively, and were supported by movable columns stationed at Bannu and Dera Ismail Khan. In Baluchistan the Quetta-Nushki railway was commenced, but it was not completed until 1905. This line played an important part in the later development of the Nushki-Seistan caravan route.

The creation of the North-West Frontier Province was the consummation of all Curzon's frontier policy. For at least a quarter of a century

[1] Budget Speech, 30 March, 1904.

viceroys and frontier administrators had put forward proposals for the formation of a new administrative unit. In 1843, six years before the Panjab was wrested from its Sikh owners, Sind had been placed under the government of Bombay. Had the Panjab been annexed first, in all probability Sind would have been incorporated with it, for these two areas are connected by the strongest of all natural links, a large river. During the governor-generalship of Lord Dalhousie a proposal had been made to unite them, but, for financial reasons, it was not sanctioned by the court of directors.[1] After the Mutiny the question was reconsidered, but, owing to the backward state of communications along the Indus, Lord Canning refused to give his consent. Moreover, Sind was prospering under the excellent administration of Sir Bartle Frere. The *status quo* was, therefore, maintained, and, even to-day, in spite of distance, Sind remains under the government of Bombay.

Lord Lytton sought to solve the problem by the creation of an enormous trans-Indus province, consisting of the six frontier districts of the Panjab and of the trans-Indus districts of Sind, with the exception of Karachi.[2] To compensate Bombay for the loss of trans-Indus Sind, Lytton proposed that it should receive the whole, or part, of the Central Provinces. It was this proposal which contributed largely to the non-acceptance of his scheme. During the viceroyalty of Lord Lansdowne the proposal was revived in its original form, but, owing to the formation of the Baluchistan Agency, Sind had ceased to be a frontier district. Nothing had been done when Lord Curzon assumed office, although the secretary of state, in his dispatch of 5 August, 1898, had pointed out the desirability of placing tribal policy more directly under the control and supervision of the Government of India.[3] After carefully considering all previous proposals, Lord Curzon determined to carve out a new frontier province across the Indus. The reasons which led him to take this step are clearly laid down in his minute of 27 August, 1900. The most important reason for the change was that between the frontier system and the authority of the viceroy there was placed a subordinate government, through whose hands all frontier questions had to pass before they reached the Government of India. He pointed out that under this system, with its long official chain of reference, rapidity of action and swiftness of decision, both of which were essential on an exposed frontier, were well-nigh impossible.

Politically, the new province was divided into two parts: the settled districts of Hazara, Peshawar, Kohat, Bannu, and Dera Ismail Khan; and the trans-border tracts which lay between the administrative and Durand boundaries. It should be remembered that the trans-border area, in addition to the five political agencies of the Malakand, Khyber, Kurram, Tochi, and Wana, also contained tribal tracts under the

[1] *Parl. Papers*, 1878, LVIII (Cd. 1898), 5. [2] *Idem*, pp. 136-43.
[3] *Idem*, 1901 (Cd. 496), p. 71.

political control of the deputy-commissioners of the adjoining settled districts. The cis-Indus tract of Hazara was not included in the scheme as originally drafted by Lord Curzon. It is interesting to note that between Dera Ismail Khan and Hazara there was only one trans-Indus tract which was not taken away from the Panjab; the trans-riverain tahsil of Isa Khel, the inhabitants of which were non-Pashtu-speaking Pathans, remained within the limits of the Panjab. The head of the new unit was to be a chief commissioner and agent to the governor-general, to be appointed by and responsible to the Government of India. In addition, there was to be both a revenue and a judicial commissioner.

The first chief commissioner was Lieutenant-Colonel H. A. Deane, whose staff consisted of officers of the political department of the Government of India, members of the provincial and subordinate civil services, police officers, and officers specially recruited for the militia, engineering, education, medicine, and forestry departments.[1] The civil and judicial administration of the settled districts approximated to that obtaining elsewhere in British India. Each of the five districts was placed under a deputy-commissioner who was assisted by the usual tahsildars, naib-tahsildars, kanungos, and patwaris. The judicial commissioner, Mr C. E. Bunbury, was the controlling authority in the judicial branch of the administration, his court being the highest criminal and appellate tribunal in the province. Subordinate to him were the two divisional and sessions judges of Peshawar and the Derajat. The revenue administration of the whole settled area was likewise under the control of the revenue commissioner, Mr (afterwards Sir) Michael O'Dwyer.

It was, however, found impossible to separate the administration of the five settled districts from the political control of the adjoining unadministered areas. This had always been the case. Nevertheless, before the formation of the new province, a suggestion had been brought forward to make the commissioner of Peshawar directly responsible to the Government of India as far as his external policy was concerned, while for internal affairs he was still to remain answerable to the Panjab authorities. Fortunately, Lord Curzon was well aware that, for at least a quarter of a century, this suggestion had been reprobated by all the greatest frontier administrators. Neither did he fail to realise that the administrative boundary was an arbitrary line drawn through the limits of a more or less homogeneous population, that the people on either side were closely connected socially, ethnically, and commercially.

> Thousands of our subjects are constantly visiting independent territory, many thousands of the hillmen regularly migrate to our districts, whole clans live for half

[1] A good account of the early administrative system will be found in O'Dwyer, *India as I knew it*, chap. vii. For later changes in the staff of the chief commissioner see *N.-W.F. Province Administration Report*, 1921–2, p. 17.

the year on this and for the other half of the year on that side of the border; where the residents within and without the frontier are not men of the same clan or of the same tribe, they are connected by the intimate ties of common race, of marriage, neighbourhood and of an association, territorial and social, which has endured for many generations.[1]

Before proceeding to describe how this close connection between the plains and the hills affects the administration of justice in the settled districts, some account of the state of affairs in the tribal tracts, where no organised magistracy exists, is essential.

The Pathan code of honour, known as *Pakhtunwali*, imposes upon the tribesman three obligations, the non-observance of which is regarded as the deadliest of sins, and is followed by lasting dishonour and ostracism. He must grant to all fugitives the right of asylum (*nanawatai*), he must proffer open-handed hospitality (*melmastia*), even to his deadliest enemy, and he must wipe out insult with insult (*badal*). This leads to blood-feuds, which, as a general rule, have their origin in *zar*, *zan*, and *zamin*—gold, women, and land. Hence the tribes are perpetually at feud, tribe with tribe, clan with clan, and family with family. Feuds are of rare occurrence amongst the law-abiding Marwats; they are almost domestic incidents in the Afridi country, where it is not uncommon to find one half of a village at deadly feud with the other. Indeed, the Afridis are so distracted by intestine quarrels that they have little time for carrying on feuds with the neighbouring tribes. According to the customary law of the Mahsud and the Shirani, only the actual murderer should be punished, but theory is one thing, practice another. As a general rule revenge extends to the male relatives of the murderer. There is, however, a growing tendency in some quarters to blot out the remembrance of former wrongs by means of a payment known as blood-money. A temporary cessation of tribal feuds may occur during harvest operations, or in the face of a common danger, such as the advance of a British punitive force. The Maidan Jagis had been for years at deadly feud with the Turis of Kurram, but, in the spring of 1907, the leading men of both factions concluded a two-years' truce, which was faithfully kept on both sides.[2] Again, Pathans who are hereditary enemies may serve together for years in the Indian Army, but, once across the border, revenge is again uppermost in their minds. Under this system of bloody vengeance, murder begets murder, and the greater the bloodshed the greater the probability of the duration of the feud. Unfortunately, the unruly tribesmen fail to realise that, under the disastrous influence of this barbarous custom, many of their noblest families are being brought to the verge of extinction. Blood-feuds are not the sole cause of internecine warfare, for the tribes are also split up into several political and religious factions. The most

[1] *Parl. Papers*, 1901 (Cd. 496), p. 75.
[2] *Kurram Agency Gazetteer*, 1908, p. 13.

important of the former are the *Gar* and *Samil*, which appear to have originated in the Bangash country whence they spread to the Afridis, Orakzaís, and Mohmands. Whatever their origin may have been, their existence has undoubtedly complicated the frontier problem and produced a chronic state of internal warfare. West of the *Gar* and *Samil*, the *Spin* (White) and *Tor* (Black) political factions prevail. With the exception of the Turis of Kurram and certain Bangash and Orakzai clans who are Shiahs, the border tribesmen are orthodox Muhammadans of the Sunni sect. The important point to remember is that the religious creed of the Pathans does not affect their political convictions, for a tribe or clan may be *Samil* and Sunni, or *Samil* and Shiah: the combination varies.

No description of these tribes would be complete without some account of their internal administration and of their method of negotiating with the British raj. Even the most lawless community is compelled to recognise the necessity for some sort of government; even the rudest form of customary law needs enforcing. From Chitral to the Kabul River the British are able to deal with important chiefs and rulers, such as the Mehtar of Chitral and the hereditary chiefs of the numerous khanates into which Dir and Bajaur are divided. Farther south, between the Kabul and the Gumal, this is not the case. Here the controlling power is a council of elders or tribal *maliks*, known as the *jirga*, through which agency all negotiations between the tribesmen and British frontier officials are carried out. The more democratic a tribe the larger the *jirga*. For this reason a full *jirga* often means nothing less than a gathering of every adult male. Rarely, if ever, does any *jirga* represent the whole tribe, for there are always unruly members who refuse to recognise any control save their own interests and desires. The tribal council is usually composed of a certain number of influential *maliks* and mullahs who attempt to enforce their decrees by meting out punishment in the form of outlawry, heavy fines, or the destruction of property. For the enforcement of *jirga* decrees, the Mahsuds have an institution known as the *chalweshtis*, or tribal police. No blood-feud can arise because of any death caused by them in the execution of their duties. In ordinary times the *jirga* deals with questions of inter-tribal politics, and, since its functions are political rather than social, it cannot be compared to a caste panchayat.

Because of the close connection between the semi-independent hills and the settled districts, a modified form of the *jirga* system has been introduced into the administered area. This system is in accordance with the Frontier Crimes Regulation of 1901, which superseded the Panjab Frontier Crimes Regulation of 1887. This regulation empowers the deputy-commissioner to make both civil and criminal references to councils of elders, that is, to *jirgas* of three or more persons convened according to tribal custom. Where the deputy-commissioner is con-

vinced that a civil dispute is likely to lead to a blood-feud or to a breach of the peace, especially where a frontier tribesman is a party to the dispute, he is at liberty to refer the case, for investigation and report, to a council of elders of his own nomination. When the decision of the *jirga* is received, he may remand the case for further investigation, refer the enquiry to another *jirga*, or pass a decree in accordance with the finding, provided that not less than three-quarters of the members of the *jirga* have agreed to this decision. Similarly, criminal references may be made to a council of elders, if it is inexpedient that the question of the guilt or innocence of an accused person should be tried in the ordinary criminal courts. Here the deputy-commissioner's power to nominate the *jirga* is limited by the accused person's right to object to any member. The maximum punishment for an offence investigated in this manner is fourteen years' rigorous imprisonment. Under this regulation members of hostile tribes may be debarred from entering British India. Again, where a blood-feud is likely to arise between two families or factions in British territory, the deputy-commissioner may, on the recommendation of a *jirga*, order the parties concerned to execute a bond for their good behaviour, for a period not exceeding three years.

An attempt was made in certain parts of the province to modify this system of trial by *jirga*, and to assimilate it to that in use in the Baluchistan Agency. Instead of appointing small *jirgas* for each case, periodical "*jirga* sessions" were held to which all cases awaiting trial were referred. It was hoped that this arrangement would do away with the corruption inherent in small councils and avoid constant summonses to the members of the *jirga*. But even this system had its drawbacks, for, on account of its size and the large number of cases which came before this *jirga*, the members were precluded from proceeding to the scene of each offence for the purpose of supplementing by their own investigations the facts which had already been brought to their notice.[1]

It was not only in the administration of justice that difficulties were experienced. To-day the land tenures of the settled areas resemble those of the adjoining Panjab districts, but this generalisation was not true of the early days of Panjab rule. When the Pathans overran the frontier zone, between the thirteenth and sixteenth centuries, they divided the land amongst their various tribes, clans, and septs.[2] Their intensely democratic constitution resulted, with rare exceptions, in a periodical redistribution of lands, known as *vesh* or *khasanne*. The land of each tribal sept was termed a *tappa*, and there was a time when redistribution even of these *tappas* took place. When this ceased, *vesh* still continued within the *tappa*, and involved the transfer of whole villages, not merely of individual holdings within the village itself.

[1] See also *N.-W.F. Province Administration Report*, 1921–2, p. 40.

[2] For Pathan invasions see Kalid-i-Afghani, *Selections from the Tarikh-i-Murass'a* (ed. Plowden), chaps. i–v.

This was the state of affairs when the British took over the frontier tracts from the Sikhs, and *vesh* was recognised in the early settlements. This system gradually disappeared in the settled districts, because it was opposed to the spirit of British revenue procedure, and because the Pathan began to realise the advantages of fixity of tenure. When the Frontier Province was formed, *vesh,* with a few exceptions, was to be found only across the administrative border. The most important exception was the system of *khulla* (mouth) *vesh,* which prevailed, as late as 1904, in certain unirrigated tracts of the Marwat tahsil of Bannu.[1] Under *khulla vesh* fresh shares were allotted to every man, woman, and child. The custom of *vesh* is now obsolete, except in the independent hills of Buner, Dir, Swat, Bajaur, and Utman Khel.

There is, however, one important difference between frontier administrations, like British Baluchistan and the North-West Frontier Province, and an ordinary province in the heart of British India. Geographical and strategical considerations make the marches of Hindustan a military area, and render the defence of these provinces a matter of vital importance to the Government of India. On the Indian frontier there is necessarily a large excess of expenditure over income, but critics often fail to realise that expenditure on frontier defence is not merely for the protection of the inhabitants of the settled districts from the marauding incursions of the turbulent tribesmen, but is also for the defence of India as a whole.

Lord Curzon knew full well that finality could never be reached on the Indian frontier, and did not claim that his solution of the problem would last for ever. Although, by the Anglo-Russian Convention of 1907, Russia recognised Afghanistan as outside her sphere of influence, the refusal of the home government to consult the amir only served to add more fuel to the smouldering fires of Habib-ullah's resentment, and his displeasure was reflected, to a certain extent, in the wave of unrest which swept over the Afridi and Mohmand valleys in the year 1908.[2] But, with the exception of short expeditions, no punitive operations took place until the late war. It must not be imagined, however, that this period was devoid of interest, for it was marked by the growth of the arms traffic, which entirely revolutionised the nature of border warfare; by the increase of raiding by well-organised gangs of outlaws from Afghanistan; and by the development of the Mahsud problem which still awaits solution.

The evil effects of gun-running in the Persian Gulf, which flooded the tribal areas with arms of precision, first became apparent during the Tirah campaign, 1897–8, but ten years were to elapse before adequate attempts were made to suppress it. From 1906 onwards there was an alarming increase in the number of rifles imported into Afghanistan, the number increasing from 15,000 in 1907 to 40,000 in 1909. Some idea of the volume of trade may be gained from the fact

[1] *Kohat Settlement Report,* 1907, p. 2.

[2] Gooch and Temperley, *Origins of the War,* 1898–1914, IV, 577.

that whereas, in 1906, the price of a Martini rifle in Tirah was approximately Rs. 500, in 1908 it had dropped to Rs. 130.[1] Although the Chagai caravan route was effectively blocked in 1908, the real result of this precautionary measure was to deflect the traffic to more westerly routes through Persian territory. The necessity for immediate repressive measures becomes apparent from the following report:

> It is estimated that over 16,500 rifles, 352 revolvers and pistols and 1,079,100 rounds as well as 137 boxes of ammunition were landed between the 31st March 1909 and 1st April 1910.[2]

It was not until 1910, when the British established a rigorous blockade of the Gulf, that this pernicious traffic was in any way checked. Unfortunately, these repressive measures came too late, for the powers of resistance of the Pathan tribesmen had already been increased. Indeed, it can be safely asserted that this arming of the border tribes with more modern weapons in place of the old-fashioned jezails has not only greatly aggravated the difficulty of dealing with the frontier problem, but has also radically altered the whole situation.

It is always possible to coerce tribes within the British sphere of influence: it is an entirely different matter when the subjects of a neighbouring power make marauding incursions into the settled districts of India. From 1908 onwards, the peace of the border was seriously disturbed by large raiding gangs from Afghan territory. By 1910 the situation had become so critical that the viceroy was forced to remonstrate with the amir, for it was in this year that the Hindustani fanatics visited Kabul, where they were received with great honour by the anti-British Nasr-ullah Khan.[3] As a result of this remonstrance steps were taken by the Afghan Government to root out the colonies of outlaws living in Khost. The British attempted to solve the problem by the formation of conciliation committees, of prominent persons from the settled districts and chiefs and elders from adjacent tribal territory, for the purpose of making recommendations for the repatriation of outlaws residing in the independent hills.[4] British efforts were remarkably successful, but, owing to the state of anarchy prevailing in Khost, the same cannot be said of the attempts made by the Afghan authorities. The British also introduced a special system of patrolling for the protection of their subjects, but, unfortunately, British subjects resembled sheep exposed to ravening wolves, for, against the almost unanimous opinion of the greatest frontier administrators, they had been disarmed in 1900. Far worse than this, the tribesmen were better armed than either the Border Military Police or the militia, the very forces maintained for the purpose of reprisals. In 1909 the state of the police was so disgraceful that twenty-five out of every hundred sepoys were either unfit or too old for frontier service.[5] Both native officers and the non-commissioned ranks were selected, not for

[1] *Secret Border Report*, 1908–9, p. 5.
[2] *Baluchistan Agency Report*, 1909–10, p. 2.
[3] *Secret Border Report*, 1910–11, p. 1.
[4] *Idem*, pp. 2–3.
[5] *Idem*, 1908–9, p. 17.

military efficiency, but for political reasons, because they happened to be the sons or relatives of influential border landowners. In addition, the rank and file were so badly paid that it was practically impossible for them to make both ends meet, unless they were stationed in close proximity to their native villages. Not only were the border villagers disarmed, the tribesmen well armed, the police inefficient and undisciplined, but the *moral* of the militia was being rapidly undermined by the knowledge that their obsolete weapons could be easily outranged by those of their enemies across the border. Before 1914 these abuses had been remedied as far as possible by the arming of the border villagers and by the creation of a more efficient and better armed Frontier Constabulary to take the place of the Border Military Police.

The outbreak of war, in August, 1914, aroused but little immediate interest amongst the frontier population. Of course undercurrents of disloyalty existed, and a certain lack of confidence was displayed by a run on the savings banks in Peshawar. The entry of Turkey in November created considerable excitement. One of the great dangers on the frontier is the possible attitude of the Afridis, whose lead in war the other tribes are usually prepared to follow. The danger of an Afridi rising, however, was averted, when, on 1 February, 1915, the government decided to double their allowances.[1] Great pressure was brought to bear upon the amir to persuade him to declare war. In fact, all the leading mullahs of Afghanistan preached openly in favour of war, but, fortunately for the peace of the Indian borderland, Habib-ullah, the first years of whose reign had been marked by extensive intrigues on the Indian side of the Durand line, remained faithful to the British alliance. Nevertheless, a wave of unrest necessitated the dispatch of punitive expeditions against the Mohmands and Mahsuds.

The history of British relations with the Mahsud tribes inhabiting the heart of Waziristan has been a history of constant friction. Neither punitive expedition nor stringent blockade has served to curb their lawlessness. After the Mahsud blockade, 1900–2, that pestilential priest, the mullah Powindah, became paramount in the Mahsud council chamber, and several dastardly assassinations of British officers were traced to his direct instigation. His death on the eve of the great war did not make for peace, for, from 1914 to 1917, the history of the Dera Ismail Khan district was one long tale of rapine and outrage, so much so, that it was difficult to understand why British subjects on the borders of Waziristan had not moved *en masse* across the Indus. Eventually, in the hot season of 1917, troops marched into the Mahsud country, but were able to effect only a temporary settlement. British preoccupations elsewhere delayed the day of retribution; and, until quite recently, the wind-swept *raghzas* of Waziristan have witnessed the severest fighting in the blood-stained annals of the Indian frontier.

[1] *Secret Border Report*, 1914–15, p. 11.

CHAPTER XXVI

INDIA AND THE WAR

FOR India, the war possessed—nay, still possesses—a twofold significance. It was, in the first place, a transient if exhausting crisis in the history of the British Commonwealth: a crisis in which India bore herself bravely: contributed substantially to the cause of victory, and vindicated once and for all her attachment to the person of the king. But it was also something far more significant. It was a wind from the West, fanning to a blaze the embers of old Nationalist ambitions, bearing with it the sparks of new fires which readily seized upon combustible elements already heaped together. Strange enthusiasms were kindled: unfamiliar ideals furnished fuel to the flames. A furnace glowed, and into its fires the polity of India passed. That which will at length emerge from the conflagration remains a matter of conjecture.

To describe what India did for the war is to tell a tale as simple as it is inspiring. To estimate what the war did for India is a problem that may perplex the wisest, since the issue is still unknown. Inevitably, therefore, the pages which immediately follow will deal mainly with the former and obvious aspect of war-time India: and will contain only such references to the more fundamental matter as can escape the charge of prophecy or speculation.

From one point of view the outbreak of hostilities saw India better prepared than her sister members of the commonwealth: from another she was far more severely handicapped than they in shouldering her share of the common burden. This apparent contradiction arose from the fact that the Army in India Committee, the majority report of which was accepted by the Government of India in 1913, had specially limited the part she would be called upon to play in any future struggle. It was officially determined that

> while India should provide for her own defence against local aggression, and, if necessary, for an attack on the Indian Empire by a great Power until reinforcements can come from home, she is not called upon to maintain troops for the specific purpose of placing them at the disposal of the Home Government for wars outside the Indian sphere.[1]

Accordingly, while August, 1914, found the Indian Army at war strength, the magazines full, and the equipment complete, the whole measure of this preparedness was based upon a principle of limitation which the home government itself was the first to disregard. Instead of India's task being restricted to the defence of her frontiers and the

[1] *India's Contribution to the Great War* (official document), p. 73.

maintenance of internal order—responsibilities which, be it remembered, had jointly or severally ruined alike the Moghul Empire and its many predecessors—she found herself in no long time obliged to fight for the commonwealth in half a dozen theatres of war. As was only to be expected, the overloaded military machine could not at first cope with strains which its designers had specifically excluded from their calculations.

But if the more prudent might well have harboured doubts as to the capacity of India to undertake the task which fell to her lot, it was impossible to question the spirit in which she assumed her obligations. The great princes of India, true to their martial traditions and tested loyalty, rallied with one accord to the defence of the empire, offering their personal services and the resources of their states for the prosecution of the war. From among the many princes who volunteered for active service, the viceroy, Lord Hardinge, selected the rulers of Bikaner, Jodhpur, Kishengarh, Patiala and Sachin. The veteran Sir Pertab Singh, Regent of Jodhpur, despite his seventy years, would not be denied his right to serve the king: and insisted upon accompanying his sixteen-year-old nephew and ward, the Maharaja of Jodhpur, to the fighting line. The twenty-seven larger states which maintain Imperial Service Troops immediately placed every regiment at the disposal of the Government of India: and the viceroy accepted from twelve states contingents of cavalry, infantry, sappers and transport, besides the famous Camel Corps of Bikaner. From the remoter parts of India, and even from beyond her borders, loyal messages, coupled with generous offers of assistance, came pouring in. The government of Nepal placed the whole of its formidable resources at the disposal of the empire. Even the Dalai Lama of Tibet offered a contingent of a thousand troops, while the innumerable lamas who owed him allegiance chanted prayers for a British victory at the behest of "The Lord of All the Beings in the Snowy Country". Throughout British India a similar spirit prevailed, even if its manifestations were more conventional. Hundreds of letters and telegrams were received by the central and local governments expressing loyalty and service. Private individuals and political associations, monied magnates and poor pensioners, prominent politicians and private citizens—all alike seemed animated by a single purpose—to demonstrate in every possible manner their loyalty to the throne and their attachment to the commonwealth. When the imperial legislative council met on 8 September, 1914, there were witnessed remarkable scenes of enthusiasm: the non-official members vying with one another in expressing whole-hearted devotion to the British cause. Of their own initiative, they expressed a desire that India should share in the heavy financial burden which the war was already imposing upon the United Kingdom.

It is no exaggeration to say that this immense and spontaneous

manifestation of loyal enthusiasm took the Government of India somewhat unawares. No one who knew the country at first hand had attached importance to the confident prophecies of such writers as Count von Reventlow, who preached, for the edification of the German public, that India would flame into formidable revolt whenever trouble overtook Britain. Government was well aware of the fine-spun net of German intrigue so sedulously woven in the years preceding the war: and also knew what its authors failed to realise—the essential futility of the fabric upon which German secret service agents had expended so much money and toil. There were, indeed, terrorist conspiracies: some childish, others formidable. But they were confined to a mere handful of persons, whose worst efforts were powerless to distract government from its task. All this had been foreseen. What took the authorities by surprise was the whole-hearted rally of the country to their side. The history of India, it must be admitted, provided no precedent for the remarkable spectacle now unfolding itself before the eyes of observers. Since the beginning of the connection between India and England, the empire had been at war on many occasions. But with the exception of offers of help from the great princes, the country as a whole had on each occasion given no sign of any deep feeling. In these circumstances, the government cannot fairly be blamed for failing to anticipate the manner in which Britain's entry into the struggle would arouse all the most generous instincts of the Indian people. Here was no war of aggrandisement: no project of imperialist expansion: but a solemn fulfilment of treaty obligations to defend a small nation. The whole of India was filled with enthusiasm. Unfortunately, the Government of India was incapable of turning this enthusiasm to the best account. Imagination is not a prominent characteristic of bureaucratic administrations: and the authorities in India had been accustomed for so long to rule the country with the passive acquiescence of the population, while enduring in the process the pin-prick criticism of an educated class anxious for the privileges and responsibilities of office, that the universal desire to assist and to co-operate became almost a source of embarrassment. To a lesser extent, it may be argued, the governments of all the belligerents experienced a similar difficulty. But elsewhere the enthusiasm of the people, after a period in which it was suffered to run to waste, was canalised into voluntary organisations and subsidiary services, which provided at once an outlet for patriotic energy and a stimulus to further efforts. In India very little was done to this end: the government desired rather to be left alone, and only valued such enthusiasm as could be turned to immediate and direct account for official purposes. The small British community, both men and women, played their part nobly, and devoted themselves wholeheartedly to war work where they could not be spared for active service. Indians, however, were left without much guidance. In

consequence, the astonishing outburst of popular emotion was allowed to exhaust itself almost fruitlessly in proportion to its magnitude: until, at a later date, it had to be artificially revived to meet a domestic danger and to sustain the unprecedented war effort of 1918. The authorities seemed to rest content with the knowledge that India was safe from revolution: it appeared scarcely to occur to them to enlist in the cause of the commonwealth even a proportion of the energy and devotion so freely proffered. Offers of service were courteously acknowledged: some few were accepted, others were pigeon-holed. But no attempt was made to set up any organisation which might be capable of co-ordinating them, encouraging them, and turning them to the best account.

Only in one single respect, it would seem, did the Government of India take full advantage of the remarkable position in which circumstances had placed it. The country was denuded of troops to such an extent that the British garrison for the space of some weeks stood at a figure of 15,000 men. Of the British cavalry establishment in India, seven regiments out of nine were sent overseas: of infantry battalions, only eight were left out of fifty-two: of artillery, forty-three batteries out of fifty-six were dispatched abroad. Instead of the two divisions and one cavalry brigade, which the government had indicated its willingness to send overseas in certain circumstances, India proceeded to provide at once for France two infantry and two cavalry divisions, accompanied by four field artillery brigades in excess of the normal allotment. It is to the abiding glory of the Indian corps that it reached France in the first great crisis of the war. The only trained reinforcements immediately available in any part of the empire arrived in time to stem the German thrust towards Ypres and the Channel ports during the autumn of 1914. They consecrated with their blood the unity of India with the empire: and few indeed are the survivors of that gallant force.[1] But, even in the first few months of the war, the Indian Army was to distinguish itself upon many fronts. In September, 1914, personnel, transport and equipment accompanied the mixed division of troops to East Africa. In October and November, two divisions of Indian infantry and one brigade of cavalry were sent to Egypt. Only when eight divisions had already been mobilised and sent either abroad or to the frontier, was action undertaken in Mesopotamia with the remainder of the forces. On 31 October an Indian brigade seized the mouth of the Shatt-el-Arab: and in three months' time, this force was increased to an army corps of two divisions. Further, a battalion of Indian infantry was sent to Mauritius: another to the Cameroons: while two were dispatched to the Persian Gulf for the protection of the Abadan pipe-line. In all, approximately 80,000 British officers and men and 210,000 Indian officers and men were dispatched overseas in the first few months of the war. To replace

[1] Lord Hardinge of Penshurst, quoted in *India's Contribution to the Great War*, pp. 99–102.

them twenty-nine territorial field batteries and thirty-five territorial battalions were sent from England. For India, the exchange was highly unprofitable, and, indeed, involved considerable risk: since the new arrivals were unfit for employment either upon the frontier or in Mesopotamia until they had been properly armed, duly equipped, and completely trained. The difficulty of these tasks was increased by the fact that, within a few weeks after the outbreak of hostilities, India had supplied England with 70,000,000 rounds of small arm ammunition, 60,000 rifles of the latest type, and more than 550 guns.

The effort made by the administration in the early months of the war showed no signs of diminishing. By the early spring of 1915, India had sent overseas two Indian army corps, seven infantry brigades, two cavalry divisions, two cavalry brigades, and a mixed force including three infantry battalions: together with the necessary accessories of corps, divisional, attached troops, administrative services and reinforcements. Moreover, as the struggle gradually assumed a world-wide character, the area of operations constantly extended. When at length peace came, Indian soldiers had fought in France, Belgium, Gallipoli, Salonika, Palestine, Egypt, the Sudan, Mesopotamia, Aden, Somaliland, the Cameroons, East Africa, North-West Persia, Kurdistan, South Persia, Trans-Caspia, and North China, besides the North-West and North-East frontiers of India.

It was hardly to be expected that the Government of India, despite the best will in the world, would rise at once to the task of discharging in an adequate manner the obligations so suddenly laid upon it. The difficulties it encountered were beyond measure enhanced by its own peculiar characteristics. Of this government it has been remarked by a cynic that its guiding principle would seem to consist in entrusting three men's work to a single individual. In times of peace, such an arrangement is only possible because the backbone of the administration is composed of picked men, thoroughly trained in their duties. But in the early days of the war, such a condition no longer obtained. Many of the best officials managed, on one pretext or another, to place themselves "nearer the fighting": while for those who remained, the tasks now for the first time laid upon them constituted a burden as heavy as it was unfamiliar. After the commencement of the Mesopotamia campaign, India's needs became urgent. The results of her sacrifices at the beginning of the war were soon reaped in disastrous fashion. Her best troops were not available: her supplies were depleted. Owing to shortage of transport, essential munitions were unobtainable. As a natural result, while the civil machinery managed somehow to "carry on", the military machinery came perilously near a break-down. The management of the Mesopotamia campaign became an ugly scandal: official enquiry serving only to confirm some of the worst rumours. Indeed it was painfully obvious to all that the "Frontier War" standard of military preparedness, when exposed to

a strain it was never designed to endure, had involved India in a confusion almost as disastrous as any that might have arisen from sheer unreadiness. From the standpoint of the whole commonwealth, it is true, the importance of India's contribution during the early days of the war is difficult to exaggerate: but it was made at a cost to herself which entailed a heavy loss of lives, of reputation, and of efficiency. Fortunately, by the time the Report of the Mesopotamia Commission was published, the Indian headquarters staff had been strengthened, and the administrative machinery had adapted itself to new requirements. Sir Stanley Maude's brilliant campaign, culminating in the capture of Baghdad, and the crushing of the Turkish Army in Iraq, rehabilitated the reputation of India in the eyes of the world. One by one the pressing problems which beset the authorities were faced and overcome: and in a comparatively short space of time, the machinery of war-time administration was running with a smoothness reminiscent of the days of peace.

The first, and most obvious, of these problems was the provision of the personnel required for the various expeditionary forces overseas. At the outbreak of the war, there were in India some 80,000 British officers and men, and some 230,000 Indian ranks, combatant and non-combatant.[1] During the course of hostilities, government recruited, on a voluntary basis, more than 800,000 combatants and over 400,000 non-combatants, giving a grand total of some 1,300,000 men. Prior to the war, the normal rate of recruitment had been about 15,000 men per annum. In the year ending May, 1917, thanks to the efforts of the administration, this figure had risen to 121,000: and in the year ending May, 1918, it stood at 300,000. From that time forward, until the end of the war, it was immensely stimulated by the call for further efforts, as will subsequently be related. Certain provinces and certain communities distinguished themselves from the first. The Panjab, under the energetic guidance of Sir Michael O'Dwyer, furnished 110,000 fighting men in the first two years of the war. Between April, 1917, and March, 1918, it further distinguished itself by raising 114,000 men. Up to the date of the armistice the total recruitment, combatant and non-combatant, rose nearly to half a million. The United Provinces, after 1916, redoubled its efforts, and in the last two years of the struggle, recruited 140,000 men for the fighting services. In the matter of non-combatant recruiting, the United Provinces led the way, providing more than 200,000 men between April, 1917, and November, 1918. Among the particular communities, Panjabi Mussulmans and Sikhs stood out pre-eminent: the former with 136,000 fighting men: the latter with 88,000—an immensely preponderating proportion of their eligible man-power. The Indian states, considering their comparatively small population, bore their share well. Kashmir sent nearly 5000 com-

[1] *India's Contribution to the Great War*, p. 79.

batants to serve overseas: Patiala sent 2700: Gwalior 2600; Bharatpur 1600; Alwar 1500; Mysore 1400; Jodhpur 1300; Jaipur 1200 and Bikaner 1100. Other states sent according to their resources.

Another, and more difficult, aspect of the problem of man-power was the provision of British officers for Indian units. The small British community in India, engaged as it was in government service or in industries of national importance, offered a very limited scope for recruitment. At the same time, the pre-war organisation of the army in India, with its "Frontier Campaign" standard, had made no provision for such a reserve of officers as might have sufficed to replace casualties on a large scale and to fill the junior commissioned ranks of newly raised units. The first step was to augment the Indian Army reserve. The English commercial community made great sacrifices in order to relieve every eligible man. Cadet colleges were opened at Quetta and Wellington: and a large number of officers were transferred, by arrangement with the War Office, from the special reserve or the territorial force, to the Indian Army. Nearly a thousand temporary commissions were given to men in the ranks of British units: the public services were depleted of all their reserves in order that some five hundred officials might join the officers' schools of instruction now established at Ambala, Bangalore and Nasik. The result of the efforts of the authorities in this direction is summed up in the statement that whereas the pre-war establishment of British officers of the Indian Army stood at 2586, the total number of British officers sent overseas from India up to 31 October, 1918, amounted to no less than 23,040.

The provision of specialist personnel was also successfully accomplished. At the outbreak of the war, there were fewer than 300 officers of the Indian Medical Service immediately available in military employ. But by the surrender of officers from civil employ and the grant of temporary commissions to private practitioners, a force of nearly 1400 qualified medical men became available. The establishment of the Indian Medical Department, which stood at 646 before the war, was doubled. In all, 1069 officers of the Indian Medical Service, 360 of the Royal Army Medical Corps, 1200 nursing sisters, 2142 assistant and sub-assistant surgeons, 979 British other ranks, 2674 Indian other ranks, and 26,179 followers were sent to the various theatres of war. Personnel for the various technical directorates overseas presented a difficult problem. At first, since railway training was in great demand, recruitment was done through the agency of the Railway Board. Later, when operations developed, the need arose for skilled staff in connection with other branches: such as military works, inland water transport, irrigation, ordnance labour, and other services. Training schools were accordingly started for railwaymen, mechanical transport personnel, and the like: with the result that in the course of the war years, some 150,000 operatives, skilled and

unskilled were sent overseas. In addition India provided a large number of labour, porter, and syce corps for service in France and Mesopotamia: supply and transport personnel, veterinary personnel, and very considerable quantities of horses, mules, camels, draught bullocks and dairy cattle.

In the matter of material, India's contribution to the allied cause was at least as important as her effort in man-power. From the first she had a great and growing task to perform in equipping her armies overseas, while at the same time placing her immense wealth of raw material at the service of the empire. Her difficulties were increased by the rudimentary condition of her industrial development. At the moment when her sea communications were seriously threatened, she could not produce more than a small fraction of the articles essential for the maintenance of ordinary civilised activities. She made no nails, screws, steel springs, iron chains, wire ropes, steel plates, machine tools, or internal combustion engines. The munition-making resources of the country were first co-ordinated by the Railway Board. Excellent work was done; but as the magnitude of the task became more apparent, it was plain that a special organisation was needed to prevent overlapping purchase, to restrict to the minimum all demands upon the United Kingdom, and to develop local industries and manufactures. The difficulties in the way were great, and to the genius of Sir Thomas Holland is due the eventual triumph over them. The Indian Munitions Board, which was set up in 1917, gathered together the existing fragments of purchasing departments, and welded them into an organised machine for regulating contracts and amalgamating demands. Local resources were utilised and developed. Great Britain and America were relieved of a heavy burden as India became an adequate base of supply for Mesopotamia and other theatres of war. The flourishing cotton and jute industries were placed at the service of the allies; the infant iron and steel industry proved remarkably useful. The wolfram mines of Burma were developed until they produced one-third of the world's output; the Indian deposits of manganese ore became the principal source of supply to the European allies. Mica, saltpetre, rubber, skins, petroleum, tea—the list of supplies forthcoming for the needs of the empire could be lengthened almost indefinitely. In foodstuffs also, India's services, particularly to Great Britain, were remarkable, for she was able to place at the disposal of the Royal Commission on Wheat Supplies a total of some 5,000,000 tons.[1]

From the financial standpoint, the war effort of India is well worthy of commemoration. The country is poor, there are rigid limits to her taxable capacity. Despite these two handicaps, the monetary assistance she rendered to the allied cause was by no means inconsiderable. In the first place must be counted her expenditure upon

[1] *India in 1917–18.*

military services. The cost of expeditions sent outside India does not normally fall upon the Indian exchequer, but in compliance with her own request, she paid the normal cost of maintaining the troops no longer employed within her borders. This cost varied between £20,000,000 and £30,000,000 per annum, at a time when India's central revenues were less than £100,000,000. Further, in September, 1918, the imperial legislative council voted that India should assume, as from the previous April, the cost of an additional 200,000 men, and from the succeeding April, a further 100,000. The cessation of hostilities prevented the scheme from fully developing, but even in its elementary stage it cost the country another £12,000,000. There were also financial contributions of a more direct character. India made a free gift of £100,000,000 to the British Government—a sum which was equivalent to more than a year's income, which added 30 per cent. to her national debt. The greater part of this amount was raised by two war loans which together aggregated nearly £75,000,000—an immense sum in view of the fact that the largest loan ever raised by an Indian Government before the war realised only £3,000,000. In addition to these services, India found herself obliged to act as banker for Great Britain in purchasing the enormous quantities of foodstuffs and munitions which were factors so essential for the prosecution of the war. Payment for these commodities was, it is true, made in London, but owing to the difficulty of transferring funds, India had to find the money in the first instance. As a result, she became involved in currency difficulties of the most serious nature, which may claim to be ranked among her sacrifices in the cause of victory. In the years 1917 and 1918, her whole currency system was threatened with inconvertibility, the Government of India being compelled to purchase silver from every available quarter—including the United States treasury—for the coining of 700,000,000 rupees. Lastly, mention must be made of generous contributions towards war charities, which, among other causes, bore the burden of Red Cross work. The "Our Day" fund rose to £800,000, the "Imperial Indian Relief" fund to £1,000,000. The various provincial war funds realised large amounts, which were expended upon comforts for the troops and their dependents.[1] Here, as in other directions, the great princes of India played a worthy part. The bare list of their donations fills 200 printed pages. In money, in cars, and in supplies, the aggregate value of these gifts totals many millions. But quite beyond all value is the imagination and the good will which these gifts display. The princes placed their palaces at the disposal of the wives and children of British officers, they entertained whole armies of troops, they equipped and maintained hospital ships, they presented their most magnificent vehicles as ambulances, they subscribed colossal sums to

[1] *India in 1917–18.*

the war loan, and in many cases gave the scrip to the government or arranged for its cancellation.

It is only fair to recall at this time the manifold anxieties of the authorities. The country remained quiet: but the occurrence of revolutionary outbreaks was a contingency which government did not omit from its calculations. There was a small anarchist element among the Sikhs, which came into prominence with the Ghadr conspiracy. In Bengal, the Nihilists, though few in numbers, were extremely active and formidable. In 1915–16 there were sixty-four outrages in this part of India, including the murder of eight police officers. There were also serious movements, directed from beyond the frontier, which had as their object the undermining of the loyalty of the Muhammadan community, already uneasy from the alliance of Turkey with the Central Powers. All possible precautionary measures were taken. The Defence of India Act invested the executive with wide discretionary authority. The establishment of the Indian defence force mobilised the entire British and Anglo-Indian community for the preservation of internal security.

All these anxieties were enhanced by the fact that the peace of the frontier itself hung upon a hair. Much assistance was derived from the friendly attitude of Amir Habib-ullah of Afghanistan, who, despite all difficulties and dangers, kept his turbulent people to strict neutrality and threw the whole of his great influence into the task of tranquillising the border. He displayed remarkable dexterity in countering German and Turkish intrigues with the militant party among his subjects, while at the same time curbing the fanaticism of the mullahs. Even so, there was more or less serious trouble with the Mohmands and the Marris: while in 1917 the persistent hostility of the Mahsuds necessitated the dispatch of a regular expeditionary force into Waziristan. The border was still unquiet when the collapse of Russia enabled the Central Powers to carry their aggressive designs to the very gates of India. German troops overran a large part of South Russia, and crossed into the Caucasus, while Turkish forces invaded Persia. In the last country, precautions had already been taken to offset any damage that might ensue from the failure of the administration to resist attack or to maintain order. Cordons of troops had been established along the boundaries of Eastern and Western Persia; the Nushki railway was extended, and the approaches to India generally safeguarded as much as possible. Baku was also temporarily occupied in order to block the enemy line of advance.

The necessity of meeting a probable German diversion in the direction of India was the signal for a redoubling of war effort throughout the whole country. Since the first great outburst of enthusiasm, of which the government made so little use, the bulk of Indian opinion had relapsed into comparative apathy. Early in 1918, in response to appeals from the prime minister, government for the

first time seriously endeavoured to give a lead to the people. Towards the end of April, a war conference was held at Delhi, attended by ruling princes, political leaders, and representatives of the central and local governments. As a result, all parties agreed to sink their political differences and to co-operate wholeheartedly in the increased effort necessitated by the new danger. Central organisations for controlling recruiting, communications, foodstuffs, voluntary service and war publicity, were either established for the first time or galvanised into new life. The result was immediate. The resources of the country were for the remaining months of the war utilised as never before; and it is no exaggeration to say that when the armistice was declared, India was at the climax of her effort. The significance of the struggle had been brought home in a somewhat highly coloured form even to the masses: recruiting was at its maximum, and the possibility of further sacrifices was clearly envisaged. Accordingly, the country as a whole having just commenced to throw her real strength into the scale, and being newly aroused to the supreme importance of victory, received the news with less relief than expectancy. The spontaneous rejoicings which broke out were not so much a sign that India was relieved from apprehension, as a symptom that she expected the immediate dawn of the Golden Age which she had been newly taught to associate with the victory of the allies.[1] Whence arose many troubles which are discussed in another section of this volume.

So much for the obvious, the external, aspects of India in war time. But what were the real currents of opinion which flowed beneath the calm impenetrability of her people? To the careful observer, a distinct sequence of emotion is perceptible, and this we shall endeavour, in however summary and inadequate a fashion, to trace.

At the time when war broke out, the educated classes of India were uneasy. They had realised that from their own standpoint the Morley-Minto constitution was unsatisfactory. It gave them no power to achieve the various measures upon which they had set their heart—the Indianisation of the higher administrative offices: an accelerated educational programme, some degree of financial control, and co-operation in national defence. It is true that these classes were small in comparison with the mass of their fellow-countrymen. But they were leaders, and their influence counted for much. They were growing impatient. In certain parts of India, anarchism gained ground. There is every reason to believe that if the year 1914 had pursued its anticipated course, an intense campaign of political agitation for constitutional progress would have occurred. Now when war broke out, much of this pent-up energy found release in the channels of loyal enthusiasm. Some leaders there were who adopted the not unnatural course of attempting to bargain with authorities; such and such constitutional advance to be the price of India's assistance. But they found no support with their fellows, and were compelled to rehabilitate them-

[1] *India in 1917–18*; *India in 1919*.

selves as best they could. In effect, it is entirely impossible to doubt that India's war enthusiasm was wholly disinterested and entirely genuine. In this fact, it may be hoped, historians will find excuse for the exaggerated eulogies of India in which British statesmen so lavishly indulged in the early days of the war. These solemn pledges of the empire's gratitude surprised India. Her educated classes, awaking to the fact that the doings of their countrymen had become a "front page feature" of the English press, leaped to the conclusion that the British cabinet was about to give some tangible expression to its gratitude. But as the months drew on, and the prosecution of the war engrossed all the efforts of government both in England and in India, disillusionment set in. Little had been done to guide and enlist the early war enthusiasm, and the educated classes turned back to politics. Rumours of imperial federation were in the air; some readjustment of relations between the mother country and the dominions seemed already in progress.[1] What would India's place be in the new scheme? Would she become an equal member of the commonwealth, or would the dominions, whose treatment of Indian settlers had inflicted such a blow upon her national pride, henceforward share in controlling her destinies? Moreover, as the war proceeded, and the defence of democratic ideals became an acknowledged plank in the allied platform, the scope of Indian Nationalist ambitions became imperceptibly enlarged. Was a struggle waged on behalf of the weak against the strong, on behalf of the peaceful against the aggressive, on behalf of the oppressed against the oppressors, to leave the political status of India unaffected? The heady doctrine of self-determination, with all the catchwords of modern democracy, swept India like a flame. The educated classes determined to assert their right to control their own destinies. They turned eagerly to the home rule movements launched by such leaders as Mrs Besant and the late Bal Gangadhan Tilak. Even educated Islam, which had for so long held itself aloof, joined the congress fold on the assurance of adequate safeguards for the interests of the Muhammadan community. A scheme of constitutional reform was hastily adumbrated, and as hastily accepted as the minimum of India's demand. A whirlwind campaign of political agitation was launched in its support. Government unwittingly added fuel to the flames by arresting and interning Mrs Besant, whose activities were considered inconvenient. This action united in support of the home rule movement many Indians who had previously held aloof from it. The pressure upon the administration became overwhelming, and was only relieved by a dramatic announcement. The home government at length, amidst all the preoccupations of the war, turned their attention to Indian affairs. Mr E. S. Montagu, who had succeeded Mr Austen Chamberlain as secretary of state, declared on August 20, 1917, that the policy of His Majesty's Government was the increasing association of Indians in

[1] *India in 1917–18.*

every branch of the administration, and the gradual development of self-governing institutions, with a view to the progressive realisation of responsible government in India as an integral part of the British Empire.

The effect of this announcement was startling. In the first place it dramatically confirmed the hopes of those who aspired for India's equality with the self-governing dominions, thus suddenly enlarging the scope of "legitimate" aspirations. But in the second place it threw the apple of discord into the Nationalist camp. The moderate party, after being temporarily submerged beneath the domination of the left wing, found in the declaration a long-sought battle-cry. The extremists in their turn were heartened by what they regarded as merely the firstfruits of intensive agitation, and prepared to exploit their control over the impressionable youth of the educated classes. Thirdly, the Muhammadan community, already disquieted by the misfortunes of Turkey, saw in the declaration at once a triumph of Hindu ideals, and a threat to themselves. The "political" section lost ground; communal tension grew, and a serious breach between Hindus and Muslims shortly developed. The visit of the secretary of state to India, which called forth a flood of separate memorials and representations, increased the sectional spirit already prevailing.

In the midst of all these currents and cross-currents came the war crisis of 1918. For the moment discord ceased, and the old unanimity of feeling was in some measure restored. But long before the dissensions really healed, the armistice intervened. Peace found India united indeed, so far as the war effort was concerned, but divided on every other ground, and fiercely discussing the merits and demerits of the Montagu-Chelmsford Report. The terrible influenza epidemic, which accounted for more victims in India alone than had perished in four years of world war, cast a sombre shadow over the scene of victory. Economic dislocation, now become serious, was causing deep distress to the masses. The educated classes were but little happier. Their political horizon had, indeed, enlarged, but they felt themselves disappointed of their hopes. They were distracted by conflicting programmes, perplexed by divergent ideals. Their country had been set upon the path of dominion status; their representatives had found admission to the innermost councils of the empire in the war cabinet and the imperial conference. The old stigma upon Indian military prowess had been removed by admitting Indian gentlemen to king's commissions in the army. A territorial force and a university training corps were being organised to give the lie to the charge that England had "disarmed and emasculated" India. Yet the millennium had not come to pass. The alien was still master in their country. What was left to them but agitation, agitation and yet more agitation?

As succeeding years were to prove only too plainly, the closing scenes of the world war brought to India, despite all her sacrifices in the cause of victory, not peace, but a sword.

CHAPTER XXVII

THE RELATIONS OF THE GOVERNMENT OF INDIA WITH THE INDIAN STATES, 1858–1918

THE relations of the Government of India with the Indian states offer questions of extraordinary difficulty for the historian, especially in the period covered by the present chapter. The position at the outset in 1858 is full of ambiguities, the available information is most imperfect, and the existing treatises either confuse arguments drawn from treaty-rights with others drawn from moral considerations or attempt to show that the relations ought to have been international in character as between independent European states. Lee-Warner's well-known volume, *The Native States of India*, an admirable exposition of the government's standpoint about 1900, is an outstanding example of the first; and Nicholson's *Scraps of Paper*, a characteristic specimen of the second. Both are concerned rather to prove a case than to lay bare and analyse the facts.

Indeed from the beginning the facts are strangely elusive. In what did the paramountcy of the Company consist and what were its foundations? The enquirer of 1858 would have found that within seven-eighths of the 600 odd states with which the Company's government was in actual or potential contact, its relations were not and had never been defined. All these states were tiny and many of them insignificant. No treaty or agreement had ever been necessary. They lay under the shadow of their great neighbour, and carried out such orders as they might receive from it. Nor did their existence represent any new phenomenon in Indian politics. Every Indian conqueror had found himself embarrassed by the difficulties of administering the great extent of India, and had always left more or less undisturbed great numbers of local chiefs who thus fell into dependence without ever undergoing the rigours of conquest. Their position had always depended on the attitude and might of the dominant power; and what they had been under the Moghul emperor they continued to be under the East India Company.

With the remaining eighth the Company's relations had once been defined by a series of treaties. The contents of these documents varied greatly. One class—the treaties with Baroda, with Mysore, with Oudh—gave the Company wide powers of interference in the internal affairs of the state, besides transferring to the Company the control of external relations. Since the occasions of interference would assuredly be selected by the Company and not by the state, such

princes were undoubtedly dependent. With a second class—the Rajput states, for example—treaties had been made vesting in the Company the whole control of external relations, entitling it to demand in the event of war the whole resources of the states, but stipulating at the same time that the princes should be absolute rulers within their own territories. Chiefs so bound clearly enjoyed nothing like international status, but equally clearly retained wide sovereign powers which according to the letter of the treaty they could exercise as they pleased. A third class is illustrated by the Nizam of Hyderabad, who originally entered into treaties with the Company on at least equal terms. At the close of the century, however, he was reduced by his inferiority of power, especially as compared with his Maratha neighbours, to accept the Company's military protection, in return for which he surrendered control of his foreign policy, and engaged if necessary to assist the Company with a specific (not unlimited) force. No clause in his treaties deals with the matter of his internal authority, which when the earlier treaties were concluded was regarded as unquestionable.

These treaties all have one peculiarity which marks them out from most of the documents familiar to the European diplomatist. Most European treaties relate to states not indeed of equal power, but of equal rank. They rarely cede any element of sovereignty. Territory may be neutralised and guaranteed, a succession may be guaranteed, even in the case of Greece a constitution may be guaranteed. But even in the last case which went near in principle to the Indian treaties, the sovereignty of the guaranteed constitution remained unimpaired. The nearest European parallel seems to be offered by the treaties which Prussia concluded with the other German states after defeating Austria in 1866. But time was not given to develop these agreements as time developed Indian agreements. But no prince can accept a foreign garrison, which remains under the orders of a foreign state and constitutes the only reliable military force in his dominions (and this was the case with the Nizam), without losing a great deal more than the control of his foreign policy. Whatever his treaties may declare, he has ceased to be master in his own house, and the effects of such agreements must in fact always prove extensive, however moderate their actual terms may be, for the prince's sole remedy is to denounce his treaties, engage in a desperate war, and place himself yet more completely at the mercy of the other party than he was before. What was true of the Nizam was *a fortiori* true of the other princes who passed more formally under the Company's tutelage. In fact, while European treaties have normally constituted a settlement of past questions, the Indian treaties much more often have formed a point of departure; the first have generally recognised and defined existing conditions, while the second have by their very signature created a new situation. In form the relations between the Company

and the Indian states seem to follow the international practice of Europe; but in substance they follow much more closely the lines of a constitutional development. This confusion of form and substance, of theory and practice, has produced many of the uncertainties and difficulties with which the study of the subject is beset. Again, the language of the treaties is often inconsistent. The Gaikwar's treaty of 1817, regarding an exchange of territory with the Company, speaks of the transfer "in sovereignty". One might suppose from this that the Gaikwar enjoyed sovereign status in the Company's eyes. A letter from the governor of Bombay in 1841, even explicitly acknowledges the Gaikwar to be "sole sovereign" of his territories. But this view is scarcely reconcilable with the fact that the Company not only managed his external relations, but possessed a formal right of interference when it judged proper in his internal management and a formal right of being consulted in the choice of his principal minister. Such controlled powers amount to something appreciably lower than sovereign status. In these circumstances a wide latitude of interpretation had been introduced. In the Company's eyes one fundamental purpose of the treaties had always been the protection of the respective states, usually undertaken by the Company on specific financial conditions. Financial disorder within a state would therefore threaten to undermine a vital condition of the promised protection, and was normally held by the Company's government to justify interference alike when the treaty was silent on the point of internal management and when it contained an express stipulation against interference. Again, in some cases the Company had specifically agreed to protect the prince not only against external attack, but also against rebellion. Such obligations were considered to involve a right of internal interference whatever might be the other provisions of the treaty in question. Frequently we find the Company's government following the practice of advising certain princes on the choice of their chief minister, at Baroda, for instance, where it was a treaty right, and at Hyderabad, where it was not. After about 1834 also the Company made a practice of insisting that no succession should take place without its sanction and approval. The ground for this would seem to consist, not in any inheritance from the Moghul Empire which indeed the Company never claimed, but in the need of securing the succession of rulers who would not persistently evade their treaty obligations.

However, in this matter of constructive rights claimed under the treaties, there had been little uniformity of policy. The attitudes of successive governors-general might differ completely. Dalhousie, for instance, was rigidly consistent in his view that the treaties should be observed to the letter. When urged, for example, by the resident at Hyderabad to interfere actively in the Nizam's internal administration, he repudiated wholly the doctrine that the Government of India

was responsible for the good administration of the state.[1] But this strict stand upon the treaties was singularly dangerous to the states themselves. Many states were financially mismanaged, and the financial clauses always were precise. States which had been created by force of the Company's arms, states which had been conquered and regranted, states which had been dependent on the Peshwa when the Peshwa was overthrown by the Company, were restricted from adoption in case of a failure of natural heirs either by the explicit clauses of their treaties or by the traditional need of sanction which the Company inherited with the Peshwa's other political rights. The net result was that the position of the Indian states was reduced by those who desired above everything to avoid annexation, while their very existence was threatened by those who adopted as their guide strict diplomatic right.

The position in 1858 was therefore exceedingly indefinite. Beside the rights vested by treaty in the Company, there had arisen under no sanction but that of superior power on the one side and reluctant acquiescence on the other a body of precedents relating to successions and to interference in the internal administration of the states. Together these constituted the Company's paramountcy, undefined, undefinable, but always tending to expand under the strong pressure of political circumstances. The process, as has already been suggested, was a constitutional, not a diplomatic development. The princes who in the eighteenth century had been *de facto* sovereigns but *de jure* dependents, had become *de facto* dependents though possessing treaties many of which recognised them as *de jure* sovereigns.

The change of government in 1858 offered a great opportunity for the removal of these anomalies. What was needed was discussion and definition. But the need seems to have been completely overlooked. At a moment when it was the fashion to describe the Indian states as breakwaters on which the Mutiny had dashed in vain,[2] it would have seemed perhaps unwise, certainly ungracious, to insist on the princes' formal recognition of the changes that had taken place after the earlier treaties had been made, and to define precisely their position and obligations. No attempt was made to simplify the ambiguities of the situation. The treaties were confirmed *en bloc*, first in the new Government of India Act, and then in the proclamation announcing the policy which the crown would follow. This meant plunging yet deeper into the embarrassment arising from the inexperience of early negotiators and the looseness of oriental political terms. The dilemma remained unsolved. The representatives of the crown, like the representatives of the Company, would have to choose between giving treaties a literal effect (which in the past had invariably led to misgovernment, disorder, and annexation) or giving them such a con-

[1] Fraser, *Memoir of J. S. Fraser*, p. 291.
[2] But cf. Durand, *Life of Sir H. M. Durand*, II, 222.

structive interpretation as would materially affect some of them, but would at the same time promote the main purpose of all, the maintenance and protection of the states themselves, in a growing closeness of union with British India.

The language of the early viceroys shows conclusively that they never hesitated about the course they meant to follow. Canning writes that the Government of India is not debarred

from stepping in to set right such serious abuses in a native government as may threaten any part of the country with anarchy or disturbance, nor from assuming temporary charge of a native state when there shall be sufficient reason to do so. This has long been the practice. We have repeatedly exercised the power with the assent, and sometimes at the desire, of the chief authority in the state; and it is one which, used with good judgment and moderation, it is very desirable that we should retain. It will indeed, when once the proposed assurance [against annexation] shall have been given, be more easy than heretofore to exercise it.[1]

Canning's successor, Elgin, is equally explicit.

"If we lay down the rule", he says, "that we will scrupulously respect the right of the chiefs to do wrong, and resolutely suppress all attempts of their subjects to redress their wrongs by violence,...we may find perhaps that it may carry us somewhat far—possibly to annexation, the very bug-bear from which we are seeking to escape."[2]

In short, both Canning and Elgin assumed that the act and the proclamation only confirmed the treaties in so far as they were actually operative in 1858.

This assumption was accompanied by a measure that was more welcome to the princes than any other that could have been devised, except perhaps a decision to revert to the chaos of the eighteenth century. "We desire", ran the queen's proclamation of 1858, "no extension of our present territorial possessions." This marks a great contrast with the Company's later policy "of abandoning no just and honourable accession of territory". The change was so important that it was resolved to signalise it by a declaration of more than ordinary solemnity. In the recent past several states had been annexed under claims arising from the "doctrine of lapse", on a failure of natural heirs. Such claims were for the future emphatically renounced. In 1860 a number of sanads, commonly known as "sanads of adoption" were issued to the leading princes. The Hindu chiefs were informed that adoptions on a failure of natural heirs would be recognised and confirmed, and Muslim rulers that any succession which might be legitimate according to Muslim law would be upheld. The significance of this was that the states were to be perpetuated as an integral part of the Indian system. They were no longer mere transitory governments awaiting the political chances which would permit and justify their gradual extinction. It is clear that neither this most formal

[1] Quoted *ap.* Lee-Warner, *Native States of India*, p. 164.
[2] Walrond, *Elgin's Letters and Journals*, p. 423.

disavowal of annexationist policy nor its most scrupulous observance could affect the individual rights of the princes. But it is equally clear that the new policy afforded them a strong reason to acquiesce in constructive interpretations of their treaties, and so tended to strengthen that element in their relations with the crown which was sanctioned rather by usage and sufferance than by any documentary engagements.

The first and most general consideration suggested by a review of the half-century following the Mutiny is that the abandonment of annexation was in fact accompanied by an ever-growing closeness of control from the time of Canning to the close of Curzon's administration. In part this development was less the result of conscious policy than of changed conditions. The development of communications, the building of railways, the construction of telegraph lines, and the growth of the public press, accompanied by an ever-rising standard of administration in British India itself, all made for an increased degree of interference in the territories of the princes. Incidents which in the Company's time would have passed unreported or only have become known to the Government of India months after their occurrence, came to its notice at once, when perhaps it was still possible to intervene with effect, while the changing temper of the time converted into "atrocities" actions which a former generation would have contemplated with resigned regret. Interference would therefore have increased in frequency even if the current view of political obligations had remained quite unchanged. But the tendency was strengthened by a growing disposition to extend the process of constructive interpretation. It will be most convenient first to illustrate the actual policy followed by the Government of India, and then to discuss the basis on which the policy was raised.

One new element emerged from the direct relations, established for the first time in 1858, between the princes and the crown. "There is a reality", wrote Canning in 1860, "in the suzerainty of the sovereign of England which has never existed before, and which is not only felt but is eagerly acknowledged by the chiefs."[1] No personal loyalty could be expected towards a corporation of merchants, despite the qualities of their government and the characters of most of their governors-general. But towards Queen Victoria it was expected. "Allegiance to Her Majesty",[2] "loyalty to the British crown",[3] such are the new phrases that appear. In a legal sense such terms had much the same force as the "subordinate co-operation" of the earlier documents. But the underlying sentiment had changed, and though changes of sentiment cannot possibly alter legal rights they may deeply affect political conduct. The princes were no longer looked upon as rulers driven by force into an unequal alliance. They had

[1] Quoted *ap.* Lee-Warner, *op. cit.* p. 317.
[2] Instrument of Rendition, Aitchison, *Treaties*.
[3] See any of the sanads of adoption.

become members of the empire, and the new position was accepted not unwillingly. The visit of the Prince of Wales to India in 1875 was made by all but one notable state the occasion of eager demonstrations of welcome; and when in the following year Lytton held his great durbar to announce the queen's assumption of the title of Empress of India, the leading Maratha prince rose immediately after Lytton's speech to salute the queen under the old Delhi title—*Shah-inshah Padshah.*[1] The Company had never attempted to bestow honours on the princes. In its time the Nawab Wazir of Oudh had been encouraged to assume the independent title of *Shah*; but in form the act had been his own. But now a change was made. Titles were bestowed. In quite recent times the additional title of "His Exalted Highness" was conferred on the Nizam. In 1861 the order of the Star of India was founded and bestowed on many of the leading princes. This was a very different matter from the interchange of orders between crowned heads. And while the obligation of loyalty to the crown has been repeatedly and publicly asserted, it has also been repeatedly and publicly admitted by the princes themselves. Even the modern lawyer, seeking painfully to disentangle the legal rights and duties of the princes from a mass of conflicting documents and questionable practice, concludes emphatically that loyalty is owed, though he would find it hard to justify his opinion save by a constructive interpretation such as he so gravely reprobates.[2] Relations in fact have come into being not envisaged in the treaties concluded by the Company.

In the field of external relations (until very recent times) less change has appeared under the crown administration than in any other. From the first the control of foreign relations was so essential to the maintenance of a general peace and so indispensable an accompaniment to promises of external protection, that the treaties commonly lay down the Company's right of control in unmistakable language. Nor did the development of events produce here any general conflict between the treaty rights and the political needs of the Government of India. In the case of Kashmir however difficulties did arise. When that territory was granted to Gulab Singh in 1846, the Pamirs inspired the government with no political terrors. The Russian advance in Central Asia had been directed on and through Persia, and the extension of Russian authority from Orenburg to Tashkent was as yet undreamed of. Article 5 of the treaty with Gulab Singh therefore merely declared that any disputes with neighbouring states were to be referred to the arbitration of the British Government and that its decision was to be accepted.[3] Nor was any resident appointed to the new state. A verbal promise is stated to have been given to Gulab Singh that no such appointment should be made.[4] This sounds

[1] Roberts, *Forty-one Years in India*, II, 97.
[2] Sir Leslie Scott, *ap. Report of the Indian States Committee* (1929), p. 73.
[3] Aitchison, *op. cit.* XI, 264.
[4] Panikkar, *Gulab Singh*, p. 132.

possible, since at that time the only disputes likely to possess political importance were those which might arise with the still independent Sikh power. The Russian movements towards the North-West Frontier however introduced new problems and dangers. In 1873 Northbrook was very anxious to appoint a permanent resident but at that time the secretary of state was unwilling to overrule the objections of the state. The measure, however, was decided on by Ripon and Hartington in 1884 and carried into effect in the following year on the death of the old maharaja, Gulab Singh's son.[1] The claims put forward by the state were that it was independent and "outside the Indian political system".[2] The first of these was seemingly based on article 1 of the treaty by which the territory was transferred "in independent possession".[3] The phrase is exceedingly vague, and is indeed more applicable to private ownership than political dominion; and whatever meaning it may carry is limited by the unqualified assertion of British supremacy in the last article. Any claim to independent status does not seem justified by the language of the treaty; while the further assertion seems entirely inconsistent with the article declaring that British adjudication on all external disputes should be final. The evidence on which Ripon and Hartington decided to appoint a resident has never been published; but the political character of the two men warrants the assumptions, (1) that they were not seeking a pretext for extending British authority, and (2) that the evidence before them appeared to them conclusive. It is in fact highly probable that Russian agents were busy in Kashmir, although they may not have been countenanced by the maharaja. So far the conduct of the government appears unexceptionable. The published evidence regarding the remainder of the story is too slender to permit judgment either way. In 1889 a quantity of correspondence reached the resident by a very questionable channel, implicating the maharaja in Russian intrigues. The Government of India, while refusing to take these documents very seriously, "accepted the maharaja's resignation" and set up a council of regency upon the ground of the maladministration of the state.[4] Their action certainly rested on mixed political and administrative motives; and it seems unlikely that they would have done anything but for the importance of the external issues involved.

As in the control of external relations, so also in the matter of successions, the crown adopted in its entirety the position which the Company had occupied. The sanads of adoption issued by Canning in no way derogate from the claim that the Government of India is entitled to determine all successions. The existing practice was continued. Every heir on his accession was installed by an agent of the government; none was recognised as prince until he had been so installed. "It is the right and duty of the British Government", runs

[1] *Parl. Papers*, 1890, LIV, 231.
[2] *The British Crown and the Indian States*, p. 85.
[3] Aitchison, *op. cit.* XI, 264.
[4] *Parl. Papers*, 1890, LIV, 251 and 265.

a dispatch of 1881, "to settle successions in subordinate native states. Every succession must be recognised by the British Government, and no succession is valid until recognition has been given."[1] The basis of this claim certainly does not lie in text of any treaty. Lee-Warner would relate it to the customary investiture under the Moghul and the Peshwa,[2] and the Company undoubtedly inherited the rights of the latter, though not of the former. But this would cover the cases of only a restricted number of minor chiefs. Another possible source might be the idea universally prevalent in Moghul India that engagements held good only for the lifetime of the parties concerned. In 1775 the majority of the Bengal Council had insisted on this as a ground for forcing a new treaty on the young Nawab Wazir of Oudh; and in 1803 Wellesley had sent to the new Nizam a formal declaration that his treaties continued in force. But most of the treaties are specifically extended by mention of heirs and successors. One must conclude, therefore, that the claim originated in a constructive interpretation of the treaties, reinforced, as time went on, by usage.

For a long time, too, the same attitude was adopted towards the armies of the states. From the earliest times the military forces of the princes had been regarded with suspicion or dislike. The first sentiment was more prominent in the Company's days, when the possibility of a hostile combination of the princes was a constant preoccupation of the governors-general. At a later period the second became more evident, on the general ground that excessive expenditure on military purposes diverted funds from more beneficial employment. But while the Company's servants might often advise, they seldom insisted on military retrenchment, and in this delicate matter they kept in general closely to the letter of the treaties. Indeed, the forces of the states were in general so irregularly paid, poorly organised, and ill-equipped as to offer no serious danger after 1818. In one case only was an Indian prince bound by treaty not to increase his armed forces above a definite limit. In 1844, after the battle of Maharajpur,[3] Sindhia had agreed in future to limit his troops (exclusive of the contingent under British officers) to 9000 cavalry and infantry, and 200 artillerymen.[4] In the 'sixties, however, Jayaji Rao Sindhia had made a hobby of his state army. "The army was his idol; its discipline his constant occupation; the only books with which he has any acquaintance are those connected with drill and military pursuits."[5] He had made a practice of enrolling men nominally as police but in fact under military discipline, and keeping the whole continuously assembled at his capital, Lashkar. In 1867 he was desired to disband his military police as exceeding the force he was entitled to keep up, and to refrain in future from maintaining masses of men at his capital.[6]

[1] *Parl. Papers*, 1890–91, no. 392, p. 13.
[2] *Op. cit.* p. 324.
[3] Cf. vol. v, p. 579, *supra*.
[4] Aitchison, *op. cit.* IV, 80.
[5] Daly, *Memoirs of Sir H. D. Daly*, p. 267.
[6] Thornton, *Sir Richard Meade*, p. 116; cf. Daly, *op. cit.*

But matters of internal management produced the most characteristic illustrations of policy under the crown. In Alwar, a Rajput state, a boy of thirteen succeeded to the *gaddi* in 1857. He fell so far under the influence of Muslim ministers as to have agreed to marry a Muslim lady. This so shocked the Rajput nobles of the state that they rose in rebellion, drove out the Muslims, and set up a council of regency. The change was recognised by the appointment of a political agent to advise and assist the council. A little later the raja became the head of a conspiracy to murder the president of the council and expel the resident. In 1863 he was formally installed as ruler of the state. But in 1870 he again provoked a rebellion against his authority. Mayo, the governor-general, first attempted to settle matters by the joint mediation of the raja of Jaipur and a British officer. When that failed, he intervened decisively, superseding the raja's authority by a board of management composed of the chief nobles of the state with the British agent as the president. With Alwar there was a treaty of 1803, by which the Company became "guarantee...for the security of his country against external enemies", and at the same time engaged not to "interfere with the country" of the raja.[1] This seems to be the most positive instance in which treaty terms have been overridden by moral considerations.

In 1865 the raja of Jabwa, one of the "mediatised chiefs"[2] of Central India, was fined 10,000 rupees and deprived of his salute for permitting a thief, who had robbed a temple founded by the chief's mother, to be mutilated according to ancient Indian custom. One hand and one foot were chopped off.[3] None of the "mediatised chiefs" has powers of life and death. They must submit all sentences of death or imprisonment for life to the local political agent for confirmation.[4]

In 1867 the nawab of Tank was deposed, his son set up in his stead, the salute reduced from seventeen guns to eleven, and the territory of a dependent chief detached and placed directly under the local political agent for complicity in an affray in which fifteen relatives and followers of the dependent chief were shot down.[5] The Tank treaty of 1817 guaranteed the nawab's territorial possessions, but contained no provision touching the internal administration.[6]

In 1892 the khan of Kalat was obliged to resign and was replaced by his son in consequence of having executed five women and a man, and mutilated two other men "in a most brutal manner" in revenge for a theft of money from his treasury, and for having "barbarously" slain his wazir and two members of the latter's family.[7] The Kalat treaty in force had been concluded in 1876. It declared that the British Government would respect the independence of Kalat and

[1] Aitchison, *op. cit.* III, 322.
[2] Cf. vol. v, p. 571, *supra.*
[3] Tupper, *Our Indian Protectorate*, p. 295.
[4] Aitchison, *op. cit.* IV, 7.
[5] *Parl. Papers*, 1871, L, 441 *sqq.*
[6] Aitchison, *op. cit.* III, 241.
[7] Forrest, *Administration of Lord Lansdowne*, p. 51.

protect the state against external attack, but that the resident would endeavour to compose any disputes that might arise between the khan and his sardars, and that in these matters the khan would abide by the decision of the British Government.[1]

But the outstanding example of interference by the Government of India was certainly the deposition of Malhar Rao Gaekwar in 1875. As the procedure adopted was unusual, and as the action of government has since been stated to have aroused the distrust of many of the princes,[2] the matter evidently deserves statement and discussion. British relations with this prince had been distinguished by a long series of troubles, intensified by the fact that in more than one instance the intellects of the rulers had been notably unstable. Malhar Rao succeeded to the gaddi at Baroda in 1870. His character even then stood low. He was believed to have been concerned in an attempted outbreak in Gujarat in 1857. He had been imprisoned in 1863 by his brother and predecessor for attempting to clear his way to the gaddi by poison. After his accession he had pursued the chief agents of the late ruler with singular vindictiveness, not by judicial process, but by extermination. They had been cast into prison, where they had perished mysteriously. After three years of his rule the inhabitants of the state were exhibiting such unrest that the Government of India appointed a commission to enquire into the nature of his administration. The commission consisted of three British officials and the late chief minister of the Jaipur state, in whom both his late master and the Government of India placed great reliance. The commission found a state of general maladministration calling urgently for remedy. Malhar Rao was then required to remove the principal evils disclosed within a period of eighteen months. Unluckily at this time the Baroda resident was a man wanting in acuteness and in tact, who certainly made matters much more difficult for the Gaekwar than he need have done. The viceroy, Lord Northbrook, was requested by Malhar Rao to remove the resident, and informed at almost the same moment by the resident that Malhar Rao had tried to poison him. The resident was replaced by an abler man, who found that no material progress had been made towards introducing the needed reforms; and investigations disclosed a *primâ facie* case which the law-advisers considered would have warranted prosecution had the accused been an ordinary citizen. It was therefore determined to arrest the Gaekwar, to assume the temporary administration of the state, and to enquire further into the alleged attempt to poison the resident.[3] A new commission was appointed for this purpose. It consisted of the Chief Justice of Bengal, another judge, one high political official, two ruling princes—Sindhia and Jaipur—and Sir Dinkar Rao. This was as independent a body as

[1] Aitchison, *op. cit.* XI, 215.
[2] *The British Crown and the Indian States*, p. 71.
[3] *Parl. Papers*, 1875, C. 1252, pp. 3 *sqq.*

the Government of India could well have selected. It would have included three ruling princes instead of two, for Holkar was also invited to serve; but that prince found himself unable to do so. He, however, described the proposed commission as attesting "the forbearance and generosity of the British Government", deserving "universal applause".[1] These words were not, or at least should not have been, insincere. The selection of judges on the one side, of Indian princes on the other, marked in no uncertain way a desire that the accusation against Malhar Rao should be fully and candidly considered. Years earlier the queen had expressed a desire that in disputes with the Indian states some way should be found of acting so as to "relieve the government agents from the fearful responsibility of being sole advisers on steps implying judicial condemnation without trial".[2] This view was now being put into action, and it is noteworthy that the method adopted in 1875 is substantially the same as that laid down for future use in 1921. All the commissioners, after hearing voluminous evidence and the addresses of counsel, seem to have agreed that an attempt had been made to poison the resident by two of the residency servants who had been in communication with Malhar Rao. The English half went farther and found the Gaekwar guilty; the Indian half found the accusation not proven.[3] In these circumstances the Government of India decided to take no further action on the poisoning charge; but it considered the presumptive evidence against Malhar Rao so strong, when coupled with his gross mismanagement of the administration, as to "make it impossible to replace him in power.... In deference to the opinions and feelings of the native commissioners we should do no more than depose him and his issue, and place him under restraint in British territory".[4] This was accordingly done. A young member of the family was selected as Malhar Rao's successor, and the administration of the state placed under a council of regency, with a most distinguished Indian administrator, Sir Madhava Rao, at its head. So far as the government's interference goes, the action seems well within the provision of the treaties themselves. The engagements of 1802, confirmed in 1805 and 1817, granted a right of intervention "should I myself or my successors commit anything improper or unjust". It can scarcely be argued that the protected, not the protecting, state was to be the judge of the occasion. Nor can the provision of the treaty be deemed nullified by the language of the Bombay governor in 1841 describing the Gaekwar as "sole sovereign" in his territories. Such informal statements cannot be taken as signifying more than the existing intention of the government not to exercise its treaty rights to the full; nor did the state appear to understand otherwise, for in 1856 the Gaekwar wrote to the resident, "This

[1] *Parl. Papers*, 1875, C. 1271, p. 90.
[2] The Queen to Sir Charles Wood, 23 July, 1859; *Queen Victoria's Letters*, III, 360.
[3] *Parl. Papers*, 1875, C. 1252, pp. 8 *sqq.* [4] *Idem*, p. 7.

government in every way is dependent on the governor-general". What is noticeable, here as elsewhere, is a deplorable laxity in regard to treaties. Sometimes they were to be enforced up to the very limit of constructive interpretation; sometimes (though rarely) government chose not to exercise its full rights and allowed its agents to use language quite at variance with the fundamental facts, thus greatly, needlessly, unwisely increasing the ambiguous position of the princes and multiplying the occasions of misunderstanding.

What seems in 1875 to have impressed the princes was, not the authority claimed by the Government of India, but the moderation with which it was exercised. Holkar, in the letter cited above, dwells on the satisfaction with which the decision to preserve, and not to annex, the state was regarded by himself and his fellows. He had used similar language to Daly, the resident, in 1874, saying, "The person for the time being is little; the state with its rights is the point for consideration".[1] In the Company's days, if precedents may be taken as a guide, Baroda would have been annexed and the state extinguished. The same would have been the fate of the hill state of Manipur. Thence in 1890 the raja was driven out. It had been the custom to support the ruler's authority and definite promises had been given to this effect. The home authorities had regarded this engagement as of dubious propriety.

"The position, however,...imposes on you as a necessary consequence", the Company wrote to the Government of India in 1852, "the obligation not only of attempting to guide him by your advice, but, if needful, of protecting his subjects against oppression on his part, otherwise our guarantee of his rule may be the cause of inflicting on them a continuance of reckless tyranny."[2]

The obligation had, in fact, proved onerous; and the expelled raja had proved himself but an indifferent administrator. After a considerable delay, government decided to recognise and confirm the new raja, who was in fact the heir apparent, but to remove from the state the turbulent and ferocious chief who had brought about the revolution. But in attempting to effect this decision, the chief commissioner of Assam, and four other officers were seized, one was speared, and the rest were publicly beheaded. A strong British force was then sent; the chief and the new raja were captured and executed for murder; their acts were treated as acts of rebellion, not those of war; and the state was continued in separate existence. Lee-Warner rightly emphasises the significance of the contrast between the annexation of Coorg in 1834 and the maintenance of Manipur in 1891.[3] Neither misgovernment nor attacks on the queen's forces and the murder of her officers were considered now as warranting annexation.

A yet more remarkable illustration of the same policy was afforded by the rendition of Mysore to Indian rule. For fifty years the state

[1] Tupper, *op. cit.* p. 117. [2] *Parl. Papers*, 1891, no. 258, p. 3. [3] *Op. cit.* p. 183.

had been managed by British officials under the direct control of the governor-general. The deposed raja had been refused permission to adopt a son. At one time it was very generally assumed that the state had passed permanently into British possession. Yet, when the old raja died in 1868, it was resolved that his adopted son should succeed to the government of the state if, when he came of age, he should be found qualified for the position. Accordingly he was installed as raja in 1881. The Government of India seized this opportunity of determining with precision what were the rights and duties of the state and of the paramount power respectively, and the instrument of transfer, dated 1 March, 1881, sums up what the government of the crown had come to regard as the ideal relationship between it and the subordinate Indian states. This modern document deserves comparison with the 1799 treaty which similarly sums up the views of policy held by Wellesley, in this matter the most enlightened of all the Company's governors-general. The present writer has discussed elsewhere[1] the change of outlook displayed by these documents. Financial stability was the main object of the earlier, good government the main object of the later. But in many ways the provisions touching the status of the ruler of Mysore are perhaps the most interesting. The word "sovereignty", for instance, nowhere occurs in the instrument of transfer except when referring to British sovereignty. The prince is to be "placed in possession of the territories" which he is "to hold possession of and administer". No succession is valid until recognised by the governor-general in council. The prince must "remain faithful in allegiance and subordination to Her Majesty". The separate Mysore coinage, long discontinued, shall not be revived. The military forces of the state "shall not exceed the strength which the governor-general in council shall from time to time fix". The laws and rules in force at the time of the transfer shall remain unchanged unless the governor-general in council approves. It is noteworthy that these limitations were imposed on one of the largest of the Indian states, covering nearly 30,000 square miles, with a population of almost five million persons, governed by a prince who was to be saluted with the maximum number of guns, and who therefore was reckoned, in spite of his curtailed authority, on the same level of dignity as princes far less restricted by treaty provisions. The rendition of Mysore is thus an outstanding example of the manner in which the crown's disavowal of any annexationist policy has been observed, even where territory had been for nearly two generations under British control; but it also affords the most striking instance on record of the contrast between the views of the crown and those of the Company of what should be the status of the Indian princes.

To this most important aspect of the present subject we must shortly return. But it should be noted that other points of general policy are

[1] *Sketch of the History of India*, 1858–1918, pp. 179 *sqq.*

well illustrated by the instrument of transfer. Of these telegraph and railway development is one of the most important. Articles 14 and 15 provide for the free grant of all land needed by the Government of India for these purposes, for the inclusion in the British telegraph system of all telegraph lines that may be constructed, for their working (in the absence of special agreement) by the British telegraph department, for the exercise of plenary jurisdiction within all land made over for railway construction. These provisions correspond with the terms of special agreements made with a number of other states, and represent the policy of developing these services throughout India as a whole. In a like manner article 18 proscribes any action affecting the salt and opium monopolies of the Government of India without its assent. In the matter of salt Lytton concluded important agreements with the Rajput states for the acquisition of the main sources of salt in India,[1] while the general policy of restricting exports of opium, first accepted by the government of Lord Minto, has obviously affected the revenues of the opium-producing states.

These points have a special interest of their own. They illustrate the growth of a community of interests in India as a whole, reflected in the field of policy by the appearance of that tendency which Lee-Warner aptly described as "subordinate co-operation". While communications remained in their mediaeval condition, the resultant limitation of trade and intercourse hindered the development of common interests. It was possible still to regard the interests of individual states and of British India itself as little interdependent, and consequently to adopt towards the states the former policy (again to quote Lee-Warner) of "subordinate isolation". As time passed, and the influence of developing communications became more evident, this became more and more impracticable. A uniform railway and telegraph system, for example, would manifestly be more beneficial, not only to British India, but also to the states, than a variety of gauges, rates, and regulations. Such ideas inevitably tended to carry the conception of paramountcy beyond the political into the economic sphere, and the uniformity achieved in the new economic relations reacted upon the diversity of the old political relations.

Between 1858 and 1906 there were then numerous causes at work tending (in defiance of all confirmations) to hasten the decay of the Company's treaties. The establishment of personal relations with the crown, the rising standards of administrative propriety, the growth of common economic interests, multiplied points of contact, occasions of influence, opportunities of interference, the scope of control; while the guarantees against the old danger of annexation disposed the princes to acquiesce in this development of policy and so to enlarge the extra-diplomatic element in the paramountcy of the crown. Hence arose the tendency (within limits which it is hardly possible at

[1] Cf. Aitchison, *op. cit.* III, 189.

present to define) to ignore treaty stipulations where important considerations were deemed to be at stake. This operated, seldom by way of any formal breach of treaty rights, but by assuming authority nowhere granted by treaty, or by extending authority admitted by treaty in one state to others which had not accepted such conditions. A series of rules began to appear by which the Foreign Department invariably determined certain questions. The absence of princes from their states offers an illustration of this tendency. A custom had sprung up for Indian princes, desirous of travelling beyond the limits of their states, especially to Europe, to seek the approval of the government. This had originated naturally enough in the clauses precluding them from entering into any relations with another state save through the agency of the Government of India. Some, however, began to form a habit of residing for long periods of time in London and other European capitals, where their occupations, if free from political taint, were liable to criticism on other grounds. To Curzon, "who took to government as other men take to pleasure",[1] this neglect of their duty seemed an intolerable offence. He therefore issued a circular, which found its way into the newspapers, laying down the views of government.

"Repeated absences from India of Native Chiefs", he observed, "should be regarded as a dereliction and not as a discharge of public duty...the visits of such princes and chiefs to Europe should only meet with encouragement in cases where...benefit will result from the trip both to the chief and to his people... where such permission is...granted,...it should be understood that so far from constituting a ground for the early renewal of the request, it is a reason against it; and...a suitable interval should elapse between the return from travel and a fresh application for leave."[2]

There had, in fact, been imported into the relations with the Indian states a moral factor alongside of the old political considerations. Curzon's speech at Gwalior in 1899 voices this in no uncertain manner.

"The native chief", he said, "has become by our policy an integral factor in the imperial organisation of India. He is concerned not less than the viceroy or the lieutenant-governor in the administration of the country. I claim him as my colleague and partner. He cannot remain *vis à vis* of the empire a loyal subject of Her Majesty the Queen Empress, and *vis à vis* of his own people a frivolous or irresponsible despot. He must justify and not abuse the authority committed to him; he must be the servant as well as the master of his people."[3]

It is significant that this declaration of administrative morality should have coincided with a marked inclination to tighten the reins of control. Much as seventy years earlier the Company's aversion to annexation yielded before the reflection that the extension of British rule would mean also the extension of educational and missionary influences, so in 1899 the duty of securing an improved administra-

[1] *The Times*, 31 January, 1921.
[2] Ronaldshay, *Life of Curzon*, II, 91.
[3] Raleigh, *Curzon in India*, p. 217.

tion in the Indian states had come to outweigh the duty of observing the letter of treaties framed in earlier days. A new attitude had indeed come into vogue. The Foreign Department came to stress certain provisions of certain treaties, to lay emphasis upon the conditions imposed on certain states, to regard what had been done in one state as a good precedent for what in like circumstances might be done in any of the others. Nor did the practice invariably work to the disadvantage of the states. Down to the close of the nineteenth century, for instance, there had lingered on queer survivals of oriental diplomatic custom. An agent sent publicly by one state to another had ever been housed and clothed, fed and paid, at the expense of the state which received him. The practice, perhaps, originated partly in the oriental traditions of unlimited hospitality, partly in the universal claims of Eastern kings who never willingly acknowledged any other temporal dominion than their own and little liked the sight of those whom they could not regard as their own servants. This tradition had been accepted by the Company's government when it first entered into close relations with Indian princes; it had maintained the *vakils* whom the Bonsla, or the nawab wazir, kept at Calcutta, and had suffered the princes to pay allowances to the residents whom it sent to them. This no doubt explains the immense popularity enjoyed by the political service among the Company's servants of the period. The revolution in the Company's position transformed this primitive system of relations. Gradually the princes' *vakils* ceased to be received at the headquarters of the government, and the Company's residents depended on the salaries of the government that employed them. But a number of advantages of various kinds and varying amounts—known technically as "easements"—had continued; and just as Curzon laid down rules regarding visits to Europe, so also in this matter of political perquisites. In fact the relations with the princes were being regularised, while the principle of "reading all Indian treaties together",[1] so as to produce something like a coherent body of rules, strengthened the process. This was definitely laid down by Curzon in his speech at Bahawalpur in 1903. The ties between the Indian princes and the British crown, he then said,

> have no parallel in any other country of the world. The political system of India is neither feudalism nor federation; it is embodied in no constitution; it does not always rest upon a treaty; it bears no resemblance to a league. It represents a series of relationships that have grown up between the crown and the Indian princes under widely differing historical conditions, but which in process of time have gradually conformed to a single type.[2]

This certainly represents the practice of the Foreign Department under Curzon's vigorous, if unwise, control. The objections on the part of the Indian states are evident enough, for the policy casts doubt upon the validity of individual treaties. Yet in the circumstances of

[1] Lee-Warner, *op. cit.* p. 256. [2] Raleigh, *op. cit.* p. 226.

the case it would have been singularly difficult to avoid. Almost all the treaties belonged to a world which had completely passed away, and in which the Company's predominance had been new, uncertain, questioned. They no longer corresponded with the political facts, and some general rules of conduct towards the Indian states were indispensable. Even Sir Leslie Scott found himself unable to avoid general formulas for which assuredly no universal treaty obligations can be found. "The rights and duties arising from paramountcy", he says, "are uniform throughout India."[1] He elsewhere defines paramountcy as arising "out of the agreed cession of... attributes of sovereignty".[2] Yet there are numerous small states that have never formally made any such cession. They are, it seems, bound by the cessions that other states have made. And yet, if for instance the little state of Janjira is bound by the cessions made by Hyderabad, why is Hyderabad not bound by the cessions made by Mysore? The fact seems to be that constructive interpretations and practice based on use and sufferance could not be excluded from a consideration of the princes' rights and duties, nor could any real limit be set to their application beyond the line drawn at any moment by political expediency, failing that general revision of the treaties which is still awaited.

Certainly no one considering the general course of events within the period covered by this chapter can deny that political expediency has materially affected the attitude of both parties, of the Government of India on the one side and of the states on the other, towards the question of treaty rights. In general down to 1906 the governors-general were steadily inclining more and more towards basing their policy on the maxims of general philanthropy, while their unquestioned power disposed them in the name of duty constantly to raise the limits of the expedient. At the same time through most of the period the princes were equally inclined to acquiesce. They had gained too much by the abandonment of annexation to oppose the accompanying growth of paramountcy. It was not until the close of the century that regulations such as Curzon's rules about visits to Europe excited their active opposition. Then, indeed, they began to question the validity of much that had been done, and to consider how much of it might be reversed. At almost the same moment the attitude of the Government of India began to change. The explanation lies less in any belated recognition of the princes' rights than in the fact that political movements within British India itself were beginning to dispute the right and authority by which India was governed. Assailed by the intelligentsia, the government looked round naturally for allies and helpers. In 1857 the princes had in general aided to resist the tide of the Mutiny. In 1907 they might aid to slacken the onslaught of political unrest. They were therefore to be cultivated rather than coerced. Seeing their rising value, the princes raised their demands, but not too much,

[1] *Butler Committee Report*, p. 70. [2] *Idem*, p. 64.

for they also were threatened by the same forces that the Government of India was seeking to dam back into constitutional channels. A new tendency had come into operation.

It is illustrated by two very remarkable developments, both of which may be traced back into the pre-Curzonian period. One is represented by the imperial service troops, the other by the abandonment of the century-old policy of the isolation of individual states. The distrust or dislike with which the state forces had been regarded has already been pointed out. Save for a brief period during the Mutiny, few governors-general had regarded the states, in their military aspect, save as potential, if unlikely, enemies. Even at the beginning of the twentieth century Kitchener's internal defence scheme took them into account as a source of possible danger.[1] This, however, was more the survival of tradition than the policy advocated by the Foreign Department. The Panjdeh war scare in 1885 had elicited a number of offers from the Indian states, especially from those near the North-West Frontier, of troops for service against Russia if need should arise. General military opinion was averse to anything of the kind. But the secretary of the Foreign Department, Mortimer Durand, strongly favoured the idea of utilising the state forces. He discussed it with the lieutenant-governor of the Panjab, with the governor-general, Lord Dufferin, with the commander-in-chief, Lord (then Sir Frederick) Roberts.[2] The upshot was the formation of the imperial service troops. These were bodies of men entirely under the control of the states which maintained them, trained under British officers specially lent for the purpose, and never under the orders of the commander-in-chief except when on active service. The first occasion of their employment was the Hunza campaign of 1893. They were differentiated from the contingents of earlier days by the voluntary nature of their maintenance, by their being entirely under Indian control and commanded by Indian officers, and by their recognition depending on their being kept up to an effective standard, always ready for service whenever called for. In 1914 they were 22,000 strong, maintained by twenty-nine of the states. In 1923 they had risen to 27,000.[3] This represents, as Lee-Warner points out, the complete antithesis of Wellesley's policy of holding the Indian states in check by the bit and bridle of subsidiary forces.[4] It even affords a notable contrast with the policy which had warned Sindhia in 1867 to disperse his favourite "toy".

The other development was at least equally significant. The commonest clause in the treaties had been that which forbade the states to enter into relations with each other or with any external power save

[1] Arthur, *Life of Lord Kitchener*, II, 135.
[2] Sykes, *Life of Sir Mortimer Durand*, p. 172.
[3] *The Army in India and its evolution*, pp. 156–7.
[4] Lee-Warner, *op. cit.* p. 185.

through the medium of the Company's government. The constant repetition of the clause had marked the importance which was attached to it. It had been the corner-stone of the Company's policy, and for many years it remained equally important in the eyes of the representatives of the crown. It was deemed essential to keep the states isolated one from another. Lytton was the first governor-general to propose the abandonment of these views. It is noteworthy that he was also the first governor-general to attempt to regulate the vernacular press. In one of those moments of true insight which from time to time visited him, he wrote to Lord Salisbury,

> I am convinced that the fundamental political mistake of able and experienced Indian officials is a belief that we can hold India securely by what they call good government....Look at the mistake which Austria made in the government of her Italian provinces. They were the best governed portions of Italy; she studied and protected the interests of the native peasantry; but, fearing the native *noblesse*, she snubbed and repressed it....[1]

He was exceedingly anxious, therefore, to transform the relations between the states and the Government of India. With this end in view he pressed for leave to announce, at the durbar in which the queen was to be proclaimed the Queen Empress, the establishment of an Indian privy council. This was to be limited, at first at all events, to the great chiefs, who were to consult with and advise the governor-general on matters of common interest. But the opposition of the home authorities proved too strong, and the proposal was cut down to the bestowal of an empty title, "Councillors of the Empress", on some of the leading princes.[2] The effect of Lytton's proposals, had they been carried into effect, would have been the establishment of co-operation, not only between the Government of India and the states individually, but also between the states collectively. This novel idea, as yet unsupported by the evident development of danger from within, would, it was still feared, give rise to common understandings and united pressure such as might embarrass the Government of India. In fact it was regarded with the same doleful apprehension as that with which forty years later distinguished publicists regarded the creation of the chamber of princes.[3]

No further step in this direction was taken till the government of Lord Minto. By then the Indian situation was much more favourable to a move, for political unrest had reached the point at which it could not be mistaken. The governor-general consulted the leading states concerning the spread of anarchist conspiracies; and his reform proposals included the revival of something like Lytton's earlier scheme. But again the project fell through, largely because in Morley's doctrinaire view the only effective remedy for the situation lay in political concessions.

[1] Lady Betty Balfour, *Lytton's Indian Administration*, p. 109.
[2] *Idem*, p. 111.
[3] Sir Valentine Chirol, *ap. The Times*, 10 February, 1921.

The outbreak of war with Germany, however, displayed so strongly the decision with which the princes held to their position in the British Empire, that the adoption of the new policy was at last assured. Lord Hardinge "initiated conferences with the ruling princes on matters of imperial interest and on matters affecting the states as a whole".[1] The joint report of Mr Edwin Montagu and Lord Chelmsford recommended the establishment of a Chamber of Princes, and the formation of machinery for joint consultation between the governor-general and the Indian states on matters of common interest. In 1921 the chamber was inaugurated, bringing to an end a prolonged and most important phase of the relations between the states and the Government of India.

The best exposition of the attitude of the governors-general within the later and formative part of the period is contained in the speech which Lord Minto delivered at Udaipur in 1909. He fully renounced the tendency which the practice of the Foreign Department had exhibited down to the government of Lord Curzon.

> "I have...made it a rule", he declared, "to avoid as far as possible the issue of general instructions, and have endeavoured to deal with questions as they arose with reference to existing treaties, the merits of each case, local conditions, antecedent circumstances, and the particular stage of development, feudal and constitutional, of individual principalities."[2]

This "more sympathetic and therefore more elastic policy" admitted the existence of more than one type of relationship. Yet Lord Minto, too, recognised and declared the suzerainty of the crown as existent quite apart from treaty obligation. "The imperial government", he said, "has assumed a certain degree of responsibility for the general soundness of [the princes'] administration and would not consent to incur the reproach of being an indirect instrument of misrule." He maintained the need of interpreting the treaties in the light of actual fact, of established usage, and indeed of political expediency, but he drew the line of political expediency far below the level to which it had been forced by his predecessors. His attitude closely agrees with that of Lord Reading in 1922.[3]

Throughout the whole period, then, neither the claims of the crown nor the claims of the princes have really depended on the exact wording of the treaties. Both have fluctuated with the circumstances of the time. The crown, in two most important points, has receded from claims which it might have exercised. It has renounced annexation; it has forgone its right to deal in no other way than individually with the states. But, as against this, the states have become what they never were by treaty, parts of an empire. The problem has become constitutional rather than diplomatic. The suzerainty of the crown has

[1] *Butler Committee Report*, p. 20.
[2] Buchan, *Life of Lord Minto*, p. 298.
[3] *Parl. Papers*, 1926, C. 2621, p. 19.

become by the weight of its power greater than the Company's paramountcy ever was. But this process has gone on unsupported by any formal recognition. The contrast between the political facts and any theory which both parties would agree to draw from the documents has become more pronounced. Under the pressure of this suzerainty the administration of the states has been improved and the position of the princes in a world of change been greatly strengthened. But this has been achieved by an illogical expansion of political right by that sense of moral duty which has been at once the strength and weakness, the inspiration and obsession, of modern British rule in India.

CHAPTER XXVIII

LOCAL SELF-GOVERNMENT

THE story of local self-government in British India reveals a long-drawn-out effort to retain what was good in existing institutions and to reinforce these wherever necessary by ideas which had been proved to be useful in England. As India was and is essentially a country of villages, places where, thanks to the space and air available and the cleansing power of the Indian sun and rains, disease in normal circumstances remained within reasonable bounds, the indigenous village customs were left undisturbed, but for congested areas like towns it was soon necessary to bring in the system of the West. Local self-government was imported from England and bestowed as a gift, first on the three presidency towns and later on the district towns, while the villages were allowed to retain their ancient customs. Yet it is in these villages, where the great mass of the people live, that there has existed for centuries a simple system of local self-government on which all real advance must be based. As the Decentralisation Commission has said in its report:

> The foundation of any stable edifice which shall associate the people with the administration, must be the village, as being an area of much greater antiquity than the administrative creations such as *tahsils*, and one in which people are known to one another and have interests which converge on well-recognised objects.[1]

Unfortunately, owing to the general political unsettlement which preceded the establishment of British rule in India, there had been a great decay in the life of the village community so that often it was hard to discern and call to life the various members of what had been an organic whole. The following pages will show the efforts to utilise what was left, for it was the business and policy of the government "to leave as much as possible of the business of the country to be done by the people themselves".[2]

The conditions of life in the towns, however, called for the early application of English methods of administration, and many attempts were made to transplant English municipal life into India. But, since this system was not an indigenous growth but a forced plant of foreign importation, it developed in India not like the English local government but somewhat like that in France, with local authorities looking rather to the wishes of the central authority than to what was desired by the local people and with the conduct of local affairs in the hands

[1] *Report*, p. 239.
[2] Resolution of Lord Lawrence, 14 September, 1864.

of officials criticised and advised by local inhabitants rather than in the hands of elected representatives of the locality advised and helped by permanent officials who were their servants. Such a development was naturally disliked by the British government in England and by British officials in India, who often attempted to breed a municipal system like that known in England. These did not meet with any great success, partly because the English system was not suited to the situation in the country and partly because officials in India did not realise the real nature of government control in England.

The subject of local self-government in India naturally divides itself into two main sections, rural and urban. Each section, again, has two divisions which demand separate treatment. In the rural area the administration of the villages with their indigenous local self-government stands apart from that of the rural district, while among the towns the presidency towns of Bombay, Calcutta and Madras have a history quite distinct from that of the others.

VILLAGES

The following description of an Indian village taken from the *Imperial Gazetteer* gives a picture which is true for large parts of India.[1]

> The typical Indian village has its central residential site, with an open space for a pond or cattle stand. Stretching around this nucleus lie the village lands, consisting of a cultivated area and (very often) grounds for grazing and wood cutting. The arable lands have their several boundary marks and their little subdivisions of earth ridges made for retaining rain or irrigation water. The inhabitants of such a village pass their life in the midst of these simple surroundings, welded together in a little community with its own organisation and government, which differ in character in the various types of villages, its body of customary rules, and its little staff of functionaries, artisans and traders.

Such a description is not true of certain parts of India such as Bengal and Assam, and, even where it may be generally true, there is such an infinite variety of exceptions that the general application of a statement must be made and received with the greatest caution.

The chief functionaries were the headman, the accountant, the watchman, the priest and the schoolmaster, while the artisans included among others the smith, the potter and the washerman. The final word in the internal affairs of the village lay with the village council or *panchayat*, which settled matters by discussion carried on until general agreement was reached. The idea that the will of the majority should prevail or that votes should be taken does not appear to have existed.[2] Formerly the village officers and artisans were paid by grants of land or a share of the produce, but during Muhammadan rule, especially in its later phases, the village community greatly decayed and the remuneration of both officers and artisans, where

[1] *Imperial Gazetteer*, IV, 279.
[2] Matthai, *Village Government in British India*, p. 30.

these remained, largely took the form of cash payments. Sometimes the village council had disappeared, and in many places little trace of it could be found. Not that the rulers interfered with village life directly, for the relation between ruler and village was purely fiscal. So long as the revenue was paid to the proper official the villages were left to themselves. There was, however, in the exaction of all the revenue and perquisites that could be taken from the country, a tremendous pressure on the peasants which led to the decadence of village life.[1] Accordingly the British administrators had not to deal with a network of flourishing villages each with a healthy local life, but only with the remnants of the former system. Such as they were these remnants were utilised as the foundation of the new rule. Under settled and peaceful conditions, village life assumed a more normal course, and, as knowledge was gained with experience, many efforts were made to revive what was useful in the old village life with reference to education, sanitation, watch and ward, administration of justice and poor relief. In 1814 the court of directors of the East India Company wrote:

> We refer with particular satisfaction upon this occasion to that distinguished feature of internal polity which prevails in some parts of India, and by which the instruction of the people is provided for by a certain charge upon the produce of the soil and by other endowments in favour of the village teachers, who are thereby rendered public servants of the community.[2]

They urged the government to protect and support these teachers. Sir Thomas Munro, protesting in 1824 against the proposal to absorb the village watch of Madras into the regular police, wrote: "No system for any part of the municipal administration can ever answer that is not drawn from the ancient institutions or assimilated with them".[3] In 1821 Elphinstone in the Bombay Presidency declared: "Our principal instrument must continue to be the *panchayat* and that must continue to be exempt from all new forms, interference and regulations on our part".[4] Such was the policy laid down at the beginning of the nineteenth century and followed by later administrators. The procedure may be illustrated by describing the organisation of the village watch and ward, an ever-present necessity, and the utilisation of the village system for special poor relief necessitated every now and then by the failure of proper rains.

The three original factors of village police organisation were the headman, the village watchman and the general body of villagers, all of whom are still utilised for the preservation of law and order. In Madras the village headman "must maintain law and order in his village, applying for assistance to higher authorities, if necessary, and

[1] Moreland, *The Agrarian System of Moslem India*, chap. viii.
[2] Howell, *Education in British India*, p. 6.
[3] Matthai, *op. cit.* p. 141. [4] *Idem*, p. 168.

reporting to them the occurrence of crimes and the movement of criminal gangs".[1] In Bombay the police *patel* or headman has like duties to perform, while in the Panjab and the United Provinces for the reporting of crime use is made of the *lambardar* or representative of the landlords of the village. The administrative reports of Burma commend the police work done not only by the village headmen but also by their wives, one of whom arrested an armed robber in her husband's absence. The watchman was in olden times practically a servant of the headman, usually belonging to one of the menial castes, who lived on the outskirts of the village, and performed general service for the community. The importance of his services and position has been continually recognised by British officials from Lord Hastings who in 1815 described them as "the foundation of all possible police in the country",[2] right up to the present time. The Police Commission of 1902–3 emphasised the necessity of maintaining the village watch as part of the village system.[3]

> It is necessary also from the people's point of view; even if the expensive establishment required could be maintained, it would be vexatious and intolerable to the people. Constant interference by the police, constant espionage of village life, constant visits of officials of the lowest grades constitute an intolerable burden to the people.

In spite of frequent attempts on the part of the regular police to get these watchmen entirely under their control, the policy of the government has been, while making them work in harmony with the regular police, to preserve their connection with the headmen by making them responsible to the district magistrate through that functionary. They are paid either by monthly salaries or by the old custom of assignments of land and grain-fees, and in making new appointments to this service hereditary claims are always respected. In Bengal where village headmen did not exist and where the village watchman was either a servant of the landlord or under the control of the regular police, continual efforts have been made since 1870 to create a local village council to collect the pay of the village watchmen and to control them as village servants. The scheme at first met with little success, as the council members objected to being responsible for the pay, and the regular police found that they could get no help from either council or watchman. Changes were made in the law to give the magistrate and police more control, but with little improvement to the system, until finally in 1919 the Village Self-Government Act gave the council a proper status and dignity and definitely placed the village watchman in a position subordinate to that authority. Apart from the headman and the village watchman, whose duties are prescribed by statute, the general body of villagers at times show themselves ready for special organised efforts. This readiness has been utilised by the regular police to form effective bodies to repel the

[1] *Imperial Gazetteer*, IV, 281. [2] Matthai, *op. cit.* p. 141. [3] *Commission Report*, chap. iii.

attacks of bands of robbers. Such village defence parties have functioned in most provinces and proved especially useful in Bengal in combating and capturing robbers, even when armed with firearms.

The relief of the poor has in normal circumstances been left mainly to individual charity, which in India is accepted as one of the principal duties of ordinary people. So universal is the acceptance of this duty that ordinarily there has not arisen the necessity for state relief of the poor which is so common a feature of Western countries. At times, however, owing to the failure of the rains on which the harvests depend, large masses of the population are faced with unemployment and there is a sudden and great contraction of private charity. It is now the accepted policy of the state to intervene to save the people from starvation and at the same time to preserve in them to the fullest possible extent the spirit of self-help. This policy has elaborated a series of famine codes, the product of successive commissions of enquiry to report on the results of previous famines and to formulate definite suggestions for prevention and relief. "There are few things in the history of Indian administration during the last thirty years in which the growth of scientific knowledge and the power of organisation have achieved a more conspicuous success than the prevention and relief of famines."[1] Such famines as do now occur are very different from those mentioned in the chronicles of the seventeenth century which were food famines in the strictest sense of the word, times when it was not a question of obtaining the means to pay for food but of getting food for all; famines accompanied by huge mortality and voluntary enslavement of the people.[2] At the present day, thanks to the excellent communications both within India and connecting her with the rest of the world, the very idea of a food famine has been banished from all but a few tracts still inaccessible to the merchant. It is necessary, however, to help large masses of individuals in want, and the old village organisation is employed to relieve distress throughout the area affected by the failure of crops. Famine relief is given in villages by distributing doles of grain, cooked food or money to poor persons unable to work or by giving wages in payment of work done on village relief works. For the administration of this relief a village council or *panchayat* is appointed, while full use is made of the headman, accountant, and watchman of the village. To these is added the village grain-dealer who is all-important as the local purveyor. Although in his capacity as money-lender this individual has been fiercely attacked in all ages, yet as the local storer of grain and the middleman between the producer and consumer, he is now recognised as one of the principal combatants of famine whose services should be enlisted by the state. The headman, aided by the village council, prepares the list of those eligible for gratuitous relief, while usually some of them

[1] Matthai, *op. cit.* p. 74.
[2] Moreland, *From Akbar to Aurangzeb*, chap. vii.

form the agency under which village relief works are carried out. The accountant keeps systematic records of the persons relieved or employed, while the watchman informs the needy where food or work may be had and helps to bring in cases too weak to walk. All through the period they are supervised, corrected and encouraged by the government official placed in charge of a circle of many villages, and under his leadership they have made it possible to give wide and economical distribution of state aid in times of famine.

Similar methods have been adopted to utilise the old village machinery for the extension of primary education and the dispensing of justice, but the illustrations given above will suffice to show how efforts have been made to utilise the self-government that was indigenous in the country. When the sphere of administration was enlarged from the village to the district, a new departure had to be made. Except in the collection of revenue there was nothing in the old system by which the villages were linked up with the higher authorities. New construction, not an adaptation of the old, was necessary. For district self-government ideas were imported, ideas with which the administrators had been familiar in their own country, and it was hoped that equal good would result from their planting in an Indian soil.

RURAL BOARDS

The present system of rural boards throughout India is the result of the resolution of Lord Ripon's government of 18 May, 1882, which was worked out and applied in various ways by the different provincial governments in India. Such diversity, a natural consequence of the great differences in the peoples and countries of India, was accentuated by the necessity of utilising as far as possible the organisation that already existed for carrying on the various works of local government, such as the construction and maintenance of roads, village education, etc. Such work, as is usual in India, had been started without legislation. In Bengal money was raised by regulations[1] which decreed that public ferries should be managed by the government for the safety and convenience of travellers, and that surplus proceeds should be used for the repair and construction of roads, bridges and drains. Local committees were appointed, with the district magistrate as secretary, to advise the government of the needs of each district and to see that the money allotted was spent properly. Although these committees had no legal power to raise funds, and their work was in strict subordination to the local government, they were of considerable use, not only in helping the local officials to realise what roads were of prime importance, but also in persuading the local gentry to subscribe for particular pieces of work. The funds available were so small, less than £50,000 in 1886 for 200,000 square miles of country,

[1] Regulation XIX of 1816 and VI of 1819.

that we find the government urging the committees to encourage local subscriptions in aid of the work.[1] In other parts of India money was raised usually by a cess, a small percentage of the land-revenue levied or paid voluntarily for expenditure on roads and education, this being the easiest and traditional way of getting any extra money required. The amounts to be paid were fixed when an assessment of land-revenue was settled, and, so long as they were used for obvious local improvements, these levies met with little opposition. In nearly all cases local committees were appointed, consisting of both officials and private persons, English and Indian, to help the district officer in distributing expenditure throughout the area. The needs of various parts were discussed and the money allotted. It was a type of local government suited to the conditions of the time that responsibility should rest on the district magistrate, who got others, interested in the needs of the district, to help him in the work.

In Madras and Sind[2] proceedings were soon taken to legalise these cesses and later in 1869 the Bombay Government was armed with a comprehensive enactment[3] to provide for expenditure on objects of local public utility and to constitute committees for the proper administration of such funds. These bodies were formed not only for the district as a whole, but also for the *taluks* or subdivisions of the district, considerable sums being placed at the disposal of all these bodies. By the formation of local committees it was hoped that the people might become accustomed to take an interest in the administration of their own affairs and give that assistance of which the government stood so much in need in regulating and providing for local requirements and improvements. The director of public instruction had reported that the educational inspectors continued to make the most encouraging reports of the working of the local cess, and thought he saw his way to give primary education to the children of the cultivators.[4] All the members of the committees were nominated with the local officials at their head while their proceedings were subject to review and control by the government. Local self-government had been put on a definite footing, not like that in England, but rather akin to that on the continent of Europe in its strict control by officials.

The next phase was inaugurated by the financial reforms of Lord Mayo in 1870, whereby each province was to bear a part of the growing state expenditure, and the need for organising local self-government was clearly laid down in the resolution of 14 September, 1870.

> The operation of this resolution in its full meaning and integrity will afford opportunities for the development of self-government, for strengthening municipal institutions, and for the association of natives and Europeans to a greater extent than heretofore in the administration of affairs.

[1] Ferry Fund Resolution, 12 September, 1856.
[2] Act VI of 1863 (Madras Council), VIII of 1865 (Bombay Council).
[3] Act III of 1869 (Bombay Council).
[4] Proceedings, Bombay Legis. Council, 5 February, 1869.

Within the next year there was great activity in the various provinces to place local government on a proper local footing, acts[1] being passed which legalised existing cesses, adding to them in some cases and in Bengal even bringing them into existence. As Bengal had so far escaped all cesses, it raised a cry of indignation at the proposal thus to raise funds for roads and education. So great was this that the secretary of state directed[2] that the cess should raise only what was needed for roads and thus a great opportunity for finding funds for primary education was lost. Even so there were protests[3] by Indian members of the legislative council that no more roads were necessary, although the famine in Orissa had recently shown the absolute necessity of extending the means of moving food from one part of the country to another. The result was that the proceeds of the cess could be utilised only for roads, while in the other provinces expenditure was distributed over communications, education, public health, and general improvements in the districts. Committees similar in constitution to those in the Bombay Presidency were formed for the districts throughout India, but nothing was done to develop self-government in smaller areas. There was thus by 1881 throughout British India (except Burma) local government by nominated district committees, consisting both of officials and private persons, controlled in all matters by the government and with an official president or chairman. Much was done by these bodies to improve communications, construct schools, dispensaries, etc., and the districts reaped considerable benefit. The system, however, had no connection with any previous Indian system of administration, but was the work of official hands. Local funds were raised to supplement what was given by the central government, and proceedings were controlled by persons who looked to that government for orders rather than seeking to carry out the wishes of the people of the district. The vitality of such bodies depended almost entirely on the officials who, although in a minority on the committees, practically controlled their proceedings. In co-operation with these officials private persons in several instances did excellent work but in many cases meetings were poorly attended, and the administration of affairs rested with the district officer aided by his official staff. The hope of relieving that officer in his work of local administration had not been fulfilled, while the extra funds available had greatly increased the scope of his activities.

In 1881–2 a determined effort was made to turn these district committees into something more consonant with English ideas. It was proposed at first that the local administration should be concentrated in the hands of one committee for each district with subordinate committees for the subdivisions, the district or subdivisional officer

[1] XVII, XVIII, XX of 1871, IV of 1871 (Madras).
[2] Proceedings, Bengal Legis. Council, 25 March, 1871.
[3] *Idem*, 3 June, 1871.

and being responsible for the executive side of the work. At least one-half of the members of these committees were to be private persons nominated or elected as might seem best. This did not represent much advance on the state of affairs then existing, but by the resolution of May, 1882, a further step was made towards more liberal ideas, and it was recognised that the districts were too large for effective supervision by private persons. It was suggested that the new boards should have a large preponderance of non-official members, chosen wherever practicable by some system of election, and where possible the chairmanship and control of the executive should vest in the hands of private persons and not of government officials. It was desired that the smallest administrative unit—the subdivision—should ordinarily form the maximum area to be placed under a local board. The jurisdiction of the primary boards was to be so limited in area as to ensure both local knowledge and local interest on the part of each of the members. Internal control by officials over the boards was to be relaxed, but outside control was to be maintained by requiring sanction for certain actions and by retaining the power of intervention in case of neglect or default, this power extending in the last resort to the suspension of the delinquent board. It is curious and significant that control by an auditor empowered to surcharge was not mentioned, although this had been definitely provided in the English Public Health Act of 1875 (s. 248).

The legislation that followed in the train of this resolution showed the greatest diversity with only a partial observance of the instructions issued. The new proposals were too drastic a change from existing conditions to be accepted with confidence, and the various provinces, while acting on the resolution, were nowhere prepared to follow it completely. All, except Burma, accepted the principle, but all asked that its fulfilment might be gradual. Some attempts were made to base the system on the existing indigenous self-government in the villages, and this at first obtained the fullest support from the higher authorities. In addressing his council on the Local Rates Bill for the Central Provinces in November, 1882, the governor-general remarked: "I think it very desirable that here as elsewhere, where there may still remain indigenous institutions of local self-government, that they should be made use of to the utmost possible extent".[1] By this bill the basic electorate was composed of the village headmen who were grouped together to elect members to the subordinate local boards which in their turn elected the majority of the district council.[2] The district officer was carefully excluded from the chairman's office but the ordinary district remained as the main unit of administration, an area much too large to be known or even interesting to the private members of the board, a defect that was to prove fatal to genuine local self-government on the English model. A little later the same

[1] Proceedings, India Legis. Council, 2 November, 1882.

[2] I of 1883.

council legislating for the Panjab and the North-Western Provinces and Oudh departed still further from the principle of utilising indigenous materials and practically retained the system already in vogue in the provinces, save that a certain elective element was introduced.[1] The district officer remained in charge of the administration of the district council or board, while the subordinate bodies for the subdivisions had no independent power, little money to use, and only the most uninteresting routine work to supervise.

As has been noted above, the Bombay Presidency led the way in the attempt to stimulate local interest in rural improvement, but, owing to the necessity of concentrating on the construction of good roads throughout the districts, administration was completely centralised and the local bodies had little if any power over expenditure.[2] New legislation, however, in 1884 established again the subdivisional boards with an electorate somewhat on the lines of that in the Central Provinces, and placed at their disposal a portion of the cess and certain fees. The chairmen remained official, but owing to the powers given to the subordinate boards there was a greater diffusion of work in the different parts of the districts.[3] Madras went a step further on the path towards decentralisation by taking for its primary boards committees or *panchayats* for the larger and more prosperous villages, in many of which voluntary sanitary associations already existed. The duties of the *panchayats* were to clean up the village and in some cases to maintain roads and provide a water supply. Their funds were found from a house-rate, which could in the last resort be imposed by the governor if the villagers themselves insisted on preferring insanitary conditions to the payment of rates.[4] The subdivisional or *taluk* boards were armed with considerable powers and funds, while the district board exercised administration over the whole district. There was thus a real association of the people with the work in connection with communications, education and sanitation at all stages, but the chairmen of the *taluk* and district boards remained official, so that, except in the village unions, executive power remained that of the local government and control was exercised from within rather than from without.

More striking is the story of the Bengal Local Self-Government Act, by which a provincial government started to carry out the principles of the 1882 resolution but was thwarted by the secretary of state. Mr Macaulay in introducing the bill in January, 1883, referred to the great progress that had been made in the last twelve years in education, the making of roads, etc., but admitted that little had been done to develop local self-government. The district committees established

[1] XIV and XX of 1883.
[2] Proceedings, Bombay Legis. Council, 25 August, 1883.
[3] Act I of 1884 (Bombay Council).
[4] Act V of 1884 (Madras Council).

in 1871 had not proved satisfactory, as the areas were too large for such bodies to manage. It was therefore proposed to utilise to the utmost existing and well-established institutions and base local self-government on village committees which would form the "executive hands" of a local board constituted for an area not greater than a subdivision. He urged that there was no necessity for a district board, but the necessary supervision could be provided by a central board for the whole of Bengal.[1] While the sanction of the secretary of state to these proposals was awaited, some test elections for village committees were held, and found to give excellent results, as the mode of election, viz. calling the villagers together and letting them choose their own representatives after discussion and not by silent votes, suited the genius of the country. These interesting and bold proposals, however, were vetoed by the secretary of state, who desired that the powers of control should be conferred on a district committee presided over by the district magistrate.[2] Both the local government and the Government of India urged that the proper position of the magistrate as the controlling authority of the district was outside these boards, and again put up a scheme of subdivisional boards with control by the divisional commissioner. But the secretary of state would have none of it and insisted on the establishment of district boards. He wrote:[3]

> If the plan which I have sketched out were adopted, the government would be able with due regard to the public interest to leave even more in the hands of the local bodies than it could with safety when trusting only to the supervision of the magistrate acting apart and without the advantage of constant intercourse with the members of a district committee.

The result was the act of 1885 and a system by which the district magistrate controlled the work throughout the district, the needs of which were known to him better than to any other member of the board, as his duties took him all over the countryside. The district board fulfilled the secretary of state's desire for efficiency, for it was efficient in getting work done, but there was little if any development of the English form of local self-government and no utilisation of the "existing and old institutions in the villages". Great was the change from the spirit of the 1882 resolution, in which Lord Ripon had declared:

> it is not primarily with a view to improvement in administration that the measure is put forward and supported. It is chiefly desirable as a measure of political and popular education. His Excellency in Council has himself no doubt that in course of time as local knowledge and local interest are brought to bear more freely on local administration improved efficiency will in fact follow.

These high hopes were hardly justified by the actual working of the various systems of local government which they had inspired. The

[1] Proceedings, Bengal Legis. Council, 20 January, 1883.
[2] *Idem*, 9 February, 1884. [3] *Idem*, 14 March, 1885.

boards were neither local nor popular, and the machinery of an election system inspired no enthusiasm. A popular will outside the village was unknown, and inside was accustomed to find expression in discussion until a unanimous decision was reached. The hope that it would be generated by polling booths was disappointed, for the elected representatives could hardly be said to embody a popular will. Generally the elections excited little interest and a large proportion of the vacant seats were filled without contest. Even when sitting on the board, the representatives of the people were mainly apathetic and prepared to leave such matters to the disposal of the presiding district magistrate. Further the districts were units much too large to be managed by any single representative body. The elected representatives knew the immediate vicinity of their respective villages and the headquarters of the district but were ignorant of the rest of the area. The subdivision itself was too large an area for an elected body to manage. The result was that the work of the local bodies was not spontaneous but actuated by the directing energy and knowledge of the district officer who was known to men from all parts of the district. In the circumstances it was essential that he should remain in control of these large local bodies, and, even after they had been working for a quarter of a century, the Decentralisation Commission was of opinion that the district officer should remain at the head of the board.[1] Even if the outside control of the local bodies had been increased by giving the auditors, as in England, the power to surcharge individuals for the misapplication of funds, it is doubtful whether the services of the district officer could have been dispensed with, as there was so little vitality in the new bodies.

An example of this lack of vitality may be found in the fact that these bodies showed little enthusiasm for any attempts to increase their incomes from those sources which were under their own control, such as public ferries, cattle-pounds, tolls, etc. The greater part of their funds came from local cesses assessed and realised by government officials. Had it been their duty to collect this money for themselves, their income would have been much more attenuated and very little could have been done to improve life in the districts. As it was, the district boards, with the exception of those in Madras, kept the lion's share of the funds for their own work and starved the subordinate boards, leaving them only enough to carry out works of a petty and routine nature. It was little wonder that these bodies became completely apathetic and in most parts of India were condemned as useless. The contrasting progress of the subdivisional boards armed with substantial powers and funds, and of the village unions in Madras realising their own rates, showed clearly that the system elsewhere was at fault, as it had not been built up from the bottom. A comprehensive overhaul was necessary, for the attempt to transplant from

[1] *Report* (1909), para. 795.

England rural self-government had not been a success. It is now to be seen how similar efforts fared in connection with the presidency towns of Bombay, Calcutta and Madras.

PRESIDENCY TOWNS

In the presidency towns the Western ideas of local self-government have had a comparatively long trial, as they were introduced by a statute[1] of George III which gave authority to the governor-general to appoint justices of the peace in these towns and empowered these justices to appoint scavengers and watchmen and to levy a rate to pay them on owners and occupiers of houses and ground. Earlier English law was followed, a previous statute[2] of the same monarch being cited as a precedent. It is significant that although the English statute is closely followed in constituting the local body, the clause appointing a person to collect the rates and keep accounts, and providing punishment in the event of his negligence, is omitted. This omission to provide for the strict supervision of public money, the backbone of English local self-government, occurs again and again in the history of Indian municipal government. It is one of the facts that help to explain the lack of success in transplanting this English institution to the soil of an oriental country.

The statute was passed none too soon, for Grandpré could write of Calcutta in 1790 that the public drains were regarded as the natural receptacles for all refuse and filth, that carcasses were left to rot and putrefy in the streets, and that jackals had for two nights preyed on a human corpse thrown down at his gate.[3] Little change was made in the next thirty or forty years, but gradually regular establishments grew up. The body of justices was supposed to control the staff for the collection of the rates and an engineer in charge of the roads and conservancy. In all cases, however, the money collected was inadequate for the work to be done and the sanitation of the rapidly growing presidency towns was indescribably bad.

Between 1817 and 1830 spasmodic attempts were made in Madras and Calcutta to undertake special works paid out of the lottery funds, and much was done with this money in laying out these towns, the roads or drains on completion being handed over to the justices to maintain out of their assessments. Even for the maintenance work the funds never sufficed, and the provincial governments supplied the balances required. In Bombay alone was an additional tax—that on carriages and carts—successfully levied, the proceeds of which were spent on the roads. The justices as a body did not take much interest in their work, and their power was gradually concentrated in the hands of the chief magistrate, who was helped in Calcutta by

[1] 33 Geo. III, c. 52. [2] 7 Geo. III, c. 42.
[3] S. W. Goode, *Municipal Calcutta*, p. 10.

the superintendent of police to collect the taxes and to supervise the work of conservancy—a Herculean task. No trace of popular government is apparent, while there was a general fear of imposing taxation adequate for the work required and of realising rigorously the rates imposed.

The first comprehensive attempt to tackle the situation was made by "The Fever Hospital and Municipal Improvement Committee", which from 1836 to 1849 overhauled all the departments of Calcutta, laying bare the noisome defects in conservancy, and even extracting Rs. 14,000 from a highly placed official who could not explain a deficiency in the accounts. During this period began some efforts to get the residents to take more interest in the work of the town, as their co-operation was found essential. Accordingly the acts, XXIV of 1840 for Calcutta and XXII of 1841 for Madras, while widening the purposes to which the municipal assessment might be applied, gave powers to the inhabitants of the different divisions of the towns to ask for the control of the assessment and the collection of taxes. This first attempt to induce co-operation failed, as the residents had no desire to participate in the disagreeable tasks of collecting and administering public funds.

Bombay found its own solution in Act XI of 1845 which concentrated the administrative power in the hands of a Conservancy Board, on which were two European and three Indian justices, elected by the body of justices, with the senior magistrate of police as chairman. In Calcutta, however, experiments continued to be made to enlist the help of the people by direct election, but the elections were a farce and gave opportunity for the grossest abuses. The result was to discredit completely the elective system for years to come and to put a stop to the efforts of the government to make the public partners in the management of the town.

A fresh attempt to grapple with the sanitation of the presidency towns was made in 1856 when Act XIV (for the conservancy and improvement of the towns of Calcutta, Madras and Bombay) and Act XXV (for the better assessment and collection of rates) were passed. The proceedings of the council show that the various points in the bills were fully debated, the members always referring to the English statutes for guidance, but also again and again deferring to such Indian opinion as was expressed. Some change had to be made, as it was admitted on all hands that the existing system had failed and that the election of the commissioners could not be entrusted to a direct vote. Thus Sir James Colville did not suppose there was any town in the world of equal size and opulence in such a disgraceful state of darkness as Calcutta,[1] while Mr Peacock emphasised the importance of drinking water and drainage compared with lighting.[2]

[1] Proceedings, India Legis. Council, 6 December, 1856.
[2] *Idem*, 13 December, 1856.

Special acts were passed for the appointment of three commissioners in each town and the difference in development of each begins to appear. In the Calcutta act[1] were special provisions for gas-lighting and for the construction of sewers. In Bombay[2] power was given to levy town-dues, a profitable source of income, while the town was made to pay part of the cost of the police force and to set aside money to repay the government the cost of constructing the Vehar waterworks. For the first time an attempt was made to deal with the conservancy of the large towns on the lines that had proved successful in England, but with this fundamental difference that the scheme was not a natural growth as in England, but an importation, which could be worked only by the help of officials appointed by the government.

However, many defects soon became evident. For example, responsibility was divided among the three commissioners; residents were not associated in any way with the administration; there was no power to raise the necessary funds, while proper audit control was completely lacking. The towns remained filthy, and the complicated conservancy system of Act XIV existed only on paper. Each province, now armed with legislative powers, sought its own solution of the problem.

In Calcutta the justices were again[3] vested with the general control of municipal expenditure while executive power was concentrated in the hands of their chairman appointed by the government, his position being further strengthened by his being commissioner of police. Provided with funds by the raising of the house- and water-rates, Sir Stewart Hogg seized the opportunity of taking up on a proper scale the combined system of drainage and water supply, which made possible the vast strides in sanitation apparent at this time. But the hundred and twenty justices formed a clumsy body to supervise a strong and active commissioner, and there were many wrangles between the two parties. Still the improvements effected made them averse to any constitutional change till ten years later.

Although Bombay had larger available funds than Calcutta, the three commissioners had been unable to work together and financial chaos had been the result. There was no check on accounts, no contracts for works, while three and a half lakhs were unaccounted for by one officer. The condition of the sanitation of the town was dreadful and the death-rate was rising rapidly. By the act[4] of 1865 the justices were constituted a body corporate, with control over the budget, but all executive power was concentrated in the hands of a highly paid government official. In view of the financial scandals of the late régime, a special controller of accounts was appointed, who was to be independent of the chairman and whose signature was necessary for any expenditure. With the appointment of Mr Arthur Crawford as

[1] XXVIII of 1856.
[2] XXV of 1858.
[3] VI of 1863 (Bengal Council).
[4] Bombay Municipal Act of 1865.

municipal commissioner and Dr Hewlett as health officer, the work of sanitation was pushed on vigorously, and the whole administration tightened up.

Madras at first did not alter its constitution, as the justices had been found to take little interest in municipal work, and they could not afford to appoint a highly paid official as in Bombay. Even with fresh taxation they could only maintain the existing services and no drainage scheme could be attempted. Later on, however, legislation[1] was passed to associate the people with the administration by dividing the town into eight wards, with four councillors appointed by the government for each. Executive power was concentrated in the hands of the president and fresh sources of income were found in liquor-licence fees and tolls on goods entering the port.

In the decade 1865–74 great improvements were made in Calcutta and Bombay, thanks to the funds available and the vigorous personalities of the executive heads, but many flaws existed in the constitutions of the towns. Improvements were effected in the legislation of the next decade, when financial control over the executive was strengthened and the modern system of election of representatives directly by ratepayers came at last to stay. In each of the towns half the councillors were elected, but the executive remained in the hands of an official nominated by the government. Control over this official was financial, steps being taken to introduce some sort of continuous audit or supervision either by paid auditors or by representatives of the corporation.

A start was made in Bombay, where there had been great popular agitation against the commissioner on account of his enforcement of taxation and of pushing on the works necessary for conservancy without having the full support of the justices. The controller of expenditure appointed under the act of 1865 did not control,[2] as he had in practice become a subordinate of the commissioner, while the justices, five hundred in number, were much too numerous to constitute any detailed check of finance. After much controversy the corporation was reduced to sixty-four members, sixteen nominated by the government, sixteen elected by the resident justices, and thirty-two elected directly by the ratepayers. The executive power was concentrated in the hands of the commissioner, but provision was made for the weekly audit of the accounts by the town council, a standing committee of the corporation, and for a monthly audit by paid auditors.[3] This constitution stood the test of experience and remained in force with some additions and improvements till the end of the period under review. Bombay was thus the first to solve satisfactorily the problem of successful local self-government, not on a

[1] Act IX of 1867 (Madras Council).
[2] Proceedings, Bombay Legis. Council, 27 March, 1872.
[3] Bombay Municipal Act of 1872.

model of the English system, but in a manner evolved by and for itself—a strong executive officer controlled rigidly in financial matters by a committee answerable to the corporation, half of whom were directly elected by the ratepayers.[1]

In the meantime various acts had enlarged the powers of the Calcutta corporation, mainly in connection with the provision of a proper supply of filtered water. The bringing-in of a consolidating act[2] was the opportunity to revise the clumsy constitution of one hundred and twenty justices *vis-à-vis* a strong commissioner, neither side possessing clearly defined powers. Direct election by ratepayers was introduced, two-thirds of the seventy-two members of the corporation being thus appointed. Salutary provisions for the payment of interest on municipal debt and for the formation of a reserve fund were made and special attention was paid to drainage, water supply, and conservancy. Waterworks and sewers were constructed on a large scale. Refuse and sweepings were taken outside the town, and the practice of throwing corpses into the river was at last stopped. In 1882 a large portion of the suburban area was added to the town, as only thus could efficient water supply and drainage be given to those places which had become increasingly liable to disease and were a perpetual menace to the health of Calcutta. The opportunity was taken to reconstitute the "town council", a body formed in imitation of the Bombay body of that name, to increase to fifty the number of commissioners elected by the ratepayers, and to make obligatory the expenditure of two lakhs on drainage-works and the improvement of congested areas. The government remitted the annual charge of almost three lakhs for the police, and this money was applied to the improvement of the new area. No move however had been made to strengthen the executive, and experience was soon to show the necessity for reform in this direction. Sanitary conditions became so menacing that the government had to intervene, and in 1899 it passed a new act which put definite limits to the interference with the executive by the corporation and large committees. Although the executive was supposed to be centred in the chairman, it was subject to the limitations put upon it by resolutions, not only of the corporation as a whole, but also of the committees dealing with subjects like water supply, town improvement, roads, buildings, conservancy, etc. The corporation and these committees, being large bodies unsuited to deal with details of administration, good government was an impossibility, as the members would insist on discussing every little point of the work, so that prompt action could seldom be taken.

Under the new act[3] only half the commissioners were elected by the ratepayers, the remainder being appointed, four each by the Bengal Chamber of Commerce and the Calcutta Trades' Association,

[1] For a full description see Masani, *Evolution of Local Self-Government in Bombay*.
[2] IV of 1876 (Bengal Council). [3] III of 1899 (Bengal Council).

two by the port commissioners and fifteen by the local government. The powers of the corporation were confined to the fixing of the rates of taxation and to the performance of general functions—laying down policy, etc., subjects which can be efficiently performed by a large body. The executive was vested in the chairman, while between him and the corporation was interposed a general committee consisting of the chairman and twelve commissioners, four elected by the ward commissioners, four by the other commissioners, and four appointed by the local government. This committee was empowered to decide matters too detailed for the decision of the corporation but too important to be left simply to the decision of the chairman. The reconstituted corporation directed its efforts to the punctual collection of rates, the completion of the drainage system, and the improvement of the water supply. Experience showed that there was plenty of driving power in the corporation and that the revised constitution had fulfilled its object of preventing action being strangled by debate. Great strides were made in the health and improvement of the town, but it was not popular government, and little interest was taken in the elections.

Madras still suffered from lack of funds, the taxation per head being in the 'seventies about a fifth of that in the other presidency towns. There was no adequate water supply, no proper system of drainage, and no funds to provide the one or the other. Indian members of the legislative council protested against the need of drains and declared that the population could bear no more taxation. The state of the town with its rising death-rate finally convinced them that something had to be done. In 1878 the elective system was introduced, sixteen out of the thirty-two members being elected by the ratepayers, but the president and the two vice-presidents were salaried officials appointed by the government.[1] The corporation had power to deal with the budget and the raising of loans, but the detailed scrutiny of accounts was left to two official auditors who maintained a continuous audit. Fresh taxes were imposed to carry through the much-needed work of drainage and water supply as far as funds would allow, but neither could be made really satisfactory or complete. A further extension of the elective system was made in 1884[2] when twenty-four members were elected by the ratepayers, and the long struggle over the water supply and drainage still continued. Like Calcutta, the city of Madras lies in a plain far from hills, so that drainage presents a problem of peculiar difficulty, while large capital was required to bring good water from such a distance. As Madras had not developed into a great commercial centre, like Bombay or Calcutta, there was always a shortage of funds and continual efforts to find new sources of taxation. In 1904 a new municipal act[3] was passed on the lines that

[1] Act V of 1878 (Madras Council). [2] Act I of 1884 (Madras Council).
[3] Act III of 1904 (Madras Council).

had proved successful in Calcutta. The number of commissioners elected by the ratepayers was reduced, while special representation was given to the commercial interests in the town. The separate functions of the corporation, standing committee, and the chairman, were clearly defined, while the provisions for continuous audit were maintained. Armed with this new constitution and large grants from the government, Madras at last tackled its problems of water supply and drainage on a comprehensive scale and started to deal with its congested areas.

In the end all three towns, although by devious routes, found ultimately the same solution for municipal administration, namely a limited electorate, elaborate provisions for audit, a large corporation with full control over finance, and a strong executive centred in a government official, who was left much freedom of action within well-defined limits. It was not local self-government as known in England, or indeed in Europe, but a curious hybrid that solved the elementary problems of water supply, drainage and conservancy, and was later able to give these towns most of the amenities of modern cities. The control of the government was mainly through the person of the official who was in charge of the executive. Apart from this it was limited to making comments on the annual and audit reports. If a corporation failed to carry out certain statutory duties, the government had the power to step in and have them done, but there was no power of control over these bodies like that vested in England in the person of an auditor armed with the power of surcharge. In its place are most elaborate systems of audit and supervision but nothing of the simple direct discipline of enforcing responsibility for public money by touching the pockets of those who either misuse it or neglect to realise it on behalf of the public.

District Towns

In Moghul times municipal administration, where it existed, was in the hands of the *kotwal* or town-governor, who also combined the duties of magistrate and police officer. An autocrat, who could do as he pleased so long as the imperial government remained stable and received the necessary revenues, the *kotwal* maintained a few simple municipal services for the benefit of traders, as his income depended on the flow of trade into the town.[1] When the British took over the administration of the country, it was only natural that the officials and the people should sit down together to decide how funds could be raised to pay a conservancy staff or a night-watch, who should be responsible for the supervision and payment of the staff, etc. Leading merchants, householders and landlords in concert decided how the money should be raised, whether by house-rates, town-duties, tolls

[1] Moreland, *India at the Death of Akbar*, chap. ii.

or otherwise. They drew up an assessment list and appointed a man to collect the money. Such a body, with the magistrate at its head, was so powerful that nobody thought of opposing the demands of the tax collector so long as these were reasonable—a committee of the above description would not impose oppressive taxes—while all had the satisfaction of a conservancy staff to clean up the town and of hearing the night-watchman on his rounds in the dark. In some such way municipal committees, without any legal sanction and without any rules, started in the old commercial centres and political capitals of India. Similar methods were employed for the larger villages, which, when they contained administrative headquarters, soon began to exhibit features characteristic of the town rather than of the village. Such action has been known even in recent years and was easy to take, as it suited the people who were ready for concerted action but had a dread of putting themselves definitely under a new law. This process can be illustrated from various parts of India.

In the Panjab, before the days of British administration, there had been levied a tax—a handful—on all goods coming into the town. After annexation the British officials continued this levy in many places, devoting the proceeds to the maintenance of a police force and then to improvements in the town. For the supervision of the latter municipal committees, the members of which were often chosen by the different communities, were called together and assisted the officials in this work.[1] The Panjab was a province of many towns, which varied from large commercial and political capitals like Delhi, Lahore, Amritsar, Peshawar and Multan, to big agricultural villages. Municipal life grew naturally, suiting itself to the diversity of local conditions, depending for guidance on the local officials. In the Administration Report of 1855–6 it was noted that drainage existed in all cities and elaborate projects had been formed for Lahore, Amritsar and Ambala, the cost of which would be "chiefly defrayed in the most spirited manner by the citizens". Although a few places availed themselves of the general municipal act (XXVI of 1850), the great majority were without legislation till Act XV of 1867 was passed. This was a brief measure enacted as an experiment for five years, reserving wide powers to the lieutenant-governor and leaving to the local committees the choice of their own form of taxation. Expenditure from the municipal fund was to be applied first to the maintenance of a police force and then to the making and repair of roads, drains and tanks, and to the provision of lighting, poor-houses, market-places and education.

In Bombay Presidency, on the other hand, great use was made of Act XXVI, so that by 1856 it was in force in 336 "towns". To bring it into force the local people had to petition the government for its introduction, and the government, after giving the necessary sanction,

[1] Proceedings, India Legis. Council, 14 December, 1866.

appointed the local magistrate and others to form a local committee, which had power to propose taxes and carry out improvements in the town. Apparently in this province the district officers had little difficulty in finding half a dozen people in a town to forward a petition on which action was taken to bring the act into force.[1] This act was naturally vague in its provisions and so the greatest diversity of customs and rules grew up under its nominal control. A peculiarly fruitful field was found in the large villages of the Satara district, where in pre-British days there had existed institutions of a municipal type. By 1856 as many as 292 municipalities had been established in this district[2] but most of them existed only for a year or two. Bombay Presidency remained content with this act for some years, but legislated so that dispensaries and schools might be paid out of municipal funds, and later threw on them a proportion of the police charges. The application of municipal government to many of these "towns" was farcical, one mentioned in council when Act VI of 1873 was being considered having an annual income of only Rs. 88, most of which was used to pay an orderly.[3] By the act of 1873 Bombay brought its legislation into line with that of the rest of India and classified its towns with a population of not less than 10,000 as "cities" and as "towns" those of not less than 2000. It put a large non-official element on the "city" boards and prescribed special conservancy work for these places. The "town" municipalities remained still in the hands of their presidents, the district officers, while even for the "cities" there were no elected members.

In Madras the people stoutly resisted the introduction of Act XXVI and none of the inhabitants could be persuaded to petition the government for its introduction. As elsewhere the necessity arose of some sort of municipal administration and voluntary associations were started in a few places. These the government recognised by making grants equal to the amount raised by private subscription. But the government did not long remain satisfied with this system, and passed Act X of 1865 so that funds could be raised for the police in the country towns and provision be made for the construction, repairing and cleansing of drains, the making and repairing of roads, etc. The government decided how much was to be raised in each town and then contributed a quarter of that amount, partly to help the local people and partly to prevent the local officers making too extravagant demands. There was a strong official element on each board, and even the private persons were all nominated and held office for one year only. By 1869 the act had been introduced into forty-four towns, being received with indifference in most places, and fierce opposition where strong religious feelings existed. In some places, however, "the interest of

[1] Proceedings, Bombay Legis. Council, 11 August, 1873.
[2] *Administration Report*, 1855–6.
[3] Proceedings, Bombay Legis. Council, 11 August, 1873.

the native commissioners was aroused and the act carried out with great heartiness".[1]

In the Central Provinces and Oudh, Act XV of 1867, framed for the Panjab, was introduced into several towns, the elective system being adopted in many places from the first. The Jubbalpore committee led the way in boldly borrowing money on perfectly adequate security to carry out a large water supply scheme,[2] while in Nagpur great progress had been made without any legislation in cleaning up the town, driving streets through the worst areas, and laying the foundations of a good drainage system.[3] Lucknow, a city that had been besieged and sacked, was in such a dreadful state that a "Conservancy Committee" was formed in 1858, which worked on the lines of Act XXVI, raised funds by means of long-established octroi, and generally cleaned up the city. The position of the committee was legalised by Act XVIII of 1864, an act ahead of the times, as provision was made in it for the annual election of nineteen out of twenty-five commissioners. Funds were raised by octroi, but the old tradition of imperial taxation remained as the divisional commissioner retained for general purposes a share of the takings, being by law compelled to give only one-third to the municipal committee. In the North-Western Provinces legislation was modelled on that framed for the Panjab the year before, save that the taxes were laid down and limited by law and that the proportion of official members on the boards was smaller.

In Bengal legislation was enacted to enable local officials to deal with the insanitary conditions of the towns, which were thought to be the reason for the widespread virulent epidemic in 1863. Act III of 1864, which governed the larger towns, followed the lines of the Calcutta Suburbs Act, with elaborate conservancy clauses. For the smaller places Act VI of 1868 gave the local magistrate power to tax for police and conservancy, and furnished him with a consultative committee which might advise him about assessments and local improvements. In both cases all the non-officials were nominated and control rested entirely with the magistrate. Taxation was strictly limited, being mainly a house-rate in the former act and in the latter a personal tax on the income of the inhabitants.

In Burma as early as 1853 two funds were started in Rangoon, one from the proceeds of the sale of the town and suburban allotments, which was spent on the reclamation of swamps, construction of roads, etc., and the other, a municipal tax imposed on each site, used to pay for the town police, conservancy staff, and regular repairs to roads, bridges, etc. In 1858, after consultation with influential local inhabitants, the municipal tax was extended to fourteen other towns. In

[1] *Report of the Committee on Local Self-Government in Madras*, 1882, pt I, chap. i.
[2] Proceedings, India Legis. Council, 11 March, 1873.
[3] *Administration Report*, 1862–3.

1861 there was some correspondence with the Government of India about the introduction of municipal committees, but the chief commissioner reported that, except in Rangoon, the people desired only to be consulted occasionally about the disposal of municipal funds, but not to have the actual management in their own hands. Finally, however, in 1874 the British Burma Municipal Act was passed and applied to seven towns. Under this act committees were nominated for each of these towns, the elective principle not coming into force till 1882. In addition to these seven towns there were in that year twenty-four other places in which town-funds were raised though not under any act, the funds being spent by the district officers with such advice as could be obtained from the town elders. The people of the lesser towns, where funds were raised, objected strenuously to any proposals that their towns should be constituted municipalities, as they feared that the establishment of a municipality would cause new and heavy taxes to be levied and would lead to restrictions on their freedom.[1]

The start of municipal institutions was thus of diverse origin and of varying procedure. Only in Bengal could they be said to be a development of that in the presidency towns, where their power of taxation and the interference of the government were strictly limited by law. On the other hand, in the Panjab, Central Provinces and Bombay municipal laws were vague, there were no legal limits to taxation, and the local government had complete powers of control. Midway between these two cases came the towns in Madras, where taxes were prescribed and moderate limits imposed on taxation. It is noteworthy that municipal life flourished most in the second group, as the form of administration by a government official who consulted the leading people was a natural and liberal growth from the rule of the *kotwal*, while the system of octroi gave them easily and without oppression the funds necessary for the simplest amenities of town life. In almost all cases the members of the municipal committees were appointed on the recommendation of the district magistrate, so there was little responsible local government, although there was considerable association of the local people with the officials in the administration of the towns. Some slight extension of the system occurred in the 'seventies, mainly in giving municipal bodies power to deal more effectively with conservancy and water supply. Little was done, however, to introduce the system of elected representatives, and, where elections were held, they were not found to give satisfactory results. The better-class Indian disliked soliciting or being dependent on the votes of the crowd and much preferred to find his way to the committee by government nomination. Not that the seats were not prized. It was most agreeable to sit with the head of the district to discuss what ought to be done in the town, and there was keen com-

[1] *Memoranda submitted to the Statutory Commission*, 1930, p. 453 (Burma).

petition for this honour. These gentlemen did excellent and hard work in many towns, numerous tributes existing in the administration reports and elsewhere to the wisdom of their advice in sanitation and their usefulness in explaining new measures to their fellow-townsmen. Much was done to improve water supply, to promote public health and to provide for education. It was not, however, local self-government, but, as described by Lord Hobart, governor of Madras in 1874, government by "an oligarchy dependent upon a superior power which may control its action to almost any conceivable extent".[1]

Into such an atmosphere came the resolution of Lord Ripon's government in May, 1882, insisting that government control over local bodies should be from without rather than from within. It was thought that sufficient control could be obtained if government sanction were necessary for by-laws, new taxation, and the raising of loans, and a final power left in the hands of the government to set aside resolutions that were *ultra vires* or even to supersede altogether a local body that habitually neglected its duties or abused its powers. These proposals were largely borrowed from the powers of control over local bodies in England, but again it may be noted that the most efficient and educative part of the English control was omitted, namely the power of the auditor to bring home to the individual members of the local bodies through surcharge their financial responsibility for the proper realisation and disbursement of public money. With the control thus proposed the greatest possible extension of the elective system was urged, so that the local townspeople might have the opportunity of learning to govern themselves through their own representatives, even though the elective system as tested by a few experiments had had no wide success. It was further urged that municipalities should be relieved by the provincial governments of the heavy police charges, as the local bodies had no control over the police, but that they should be given definite duties to perform in connection with education, sanitation, public health, etc., matters which should prove of the greatest interest to the people themselves.

Under this stimulus acts[2] were passed for all the provinces, making election compulsory for a large proportion—from one-half to three-quarters—of the municipal commissioners, and giving power for the appointment of an elected chairman. This power was not utilised to any great extent. Even when the power to elect the chairman was granted, the municipal commissioners often elected an official, usually the district officer, to this post. This not only indicated the friendly co-operation already existing between the officials and the people, but also the knowledge that the district officer could maintain their rights better than any elected non-official. On the whole, great

[1] *Report of the Committee on Local Self-Government in Madras*, 1882, p. 9.

[2] XV of 1883, XIII of 1884, XVII of 1884, XVIII of 1889, III of 1884 (Bengal Council), IV of 1884 (Madras Council), II of 1884 (Bombay Council).

interest was not taken in the elections, only a small proportion of the voters exercising their rights, and many of the seats were uncontested. There were, of course, exceptions in all the provinces, but at the end of the nineteenth century it was generally held to be too soon to say that Lord Ripon's policy in introducing self-government had been a success. In some large towns, thanks to exceptional individual non-officials of strong personality, it had succeeded, but in most places it was still necessary for the local officials to help the private chairman in administration.

While most of the larger towns in the west and north of India were making good progress in providing wholesome water, proper drainage, lighting, etc., the need for much simpler administration for the small towns and large villages was met by leaving such places outside the ordinary municipal law. These were constituted "notified areas", areas in which only a few provisions of the municipal acts applied, but where, as they developed, other sections could be brought into force. Such places were administered by nominated committees with the local officials at their head.

Except in Madras and Bengal the executive of the towns remained largely official, as the election of non-official chairmen came very slowly and was by no means universal by 1918. In the Panjab in 1915 out of the eighty-three towns that had the privilege of electing their own chairman, only ten chose a non-official,[1] while in Bombay and the United Provinces the number of non-official chairmen was increased only by continual efforts on the part of the local governments. In many cases local factions and sectarian differences made the position of an elected private person untenable, while in others he had neither the time nor the staff to maintain administration at a reasonable level. Latterlyseveral towns in Bombay and the United Provinces have tried the experiment of concentrating executive power in the hands of an experienced paid officer on the model that had been found to work well in Bombay city.

Octroi or town-duties, the main source of municipal revenues in Bombay, the Panjab, the United and the Central Provinces, had been in existence in some form or other from a very early period. Megasthenes and Strabo refer to them, while the *Ain-i-Akbari* records show that they were in force in the period of Muhammadan power and that the duty of collection was in the hands of the *kotwal*. These town-duties had been part of the imperial revenues, but at the beginning of the nineteenth century began to be utilised for municipal purposes. In the hands of energetic officers who wanted to carry out local improvements, desired by the residents in the towns, they furnished an easy means of finding the necessary funds. The East India Company, alarmed at the hindrance to trade that was caused by the numerous imposts, abolished the tax in Bengal and the North-Western

[1] Panjab Municipal Resolution, 1915–16.

Provinces in 1835, but acquiesced in its revival in the latter province and its use in the Panjab, Bombay and Central Provinces. The tax had many obvious advantages as a means of finding money wanted for municipal improvements. It was highly productive; it was borne by all, yet hardly felt by the townspeople; it grew with the prosperity and needs of the town and was paid apparently by others, the traders, who could well afford the *chungi* or handful from their goods, or the country people who had in return the privilege of using the town market; above all it was the old customary tax of India. The Government of India, which always had its suspicions about this tax, as it was contrary to the English tradition of local taxation and freedom of trade, wrote in 1868: "It is to little purpose that the imperial government reduces or abolishes customs duties in the interests of trade if municipalities are permitted to levy duties on articles of commerce passing through their limits. In all parts of India municipal taxation is largely on the increase and there is a growing tendency to overlook for the sake of small local improvements the real injury that is being inflicted upon important general interests".[1] For the next fifty years there was a continual struggle between the government and the municipalities, the latter always wanting more and more money for their development and finding it with least difficulty by an extension of the octroi system, while the former struggled to keep it confined to articles actually consumed within the towns. For the latter purpose elaborate systems of bonded warehouses and refunds for goods in transit through towns were utilised, but these did little to mitigate the evils of the octroi system that became more and more apparent as municipal administration improved. These were laid bare by the report of the municipality taxation committee of the United Provinces in 1909, who found that the advantages of the system were outweighed by the disadvantages, namely, the heavy cost of collection of the tax, the prevalence of corruption owing to the necessity of employing a large and poorly paid staff, and the delay and loss caused to all traders both by the imposition of the tax and the procedure for getting refunds. They recommended its replacement in the smaller towns by direct taxation and at the larger centres by a terminal tax, a system that had been found to work well at Cawnpore and to be no hindrance to trade. The change proved difficult, as there was the most vehement opposition to direct taxation. Even where this had been in existence for some time, it was found that the revision of assessments led to no increase in the rates, as a committee of elected commissioners seldom raised the assessments, although with the growth of the town there had been a large rise in the value of the properties concerned. Gradually, however, octroi was replaced by direct taxation in many of the smaller towns and elsewhere by terminal charges. The latter were collected without difficulty, but collections of the former were

[1] Proceedings, Government of India, 6 November, 1868.

always in arrears, sometimes so great that the taxes themselves lapsed.

In Madras and Bengal more progress had been made in the introduction of elected non-official chairmen, but, as in other places, they lacked an efficient staff. In the absence of octroi, they had the additional difficulty of being entirely dependent for their funds on the assessment and collection of direct taxation, whether in the shape of a rate or of a charge for services rendered. Seldom did the municipal executive dare to use their powers to make full and prompt collections of the rates assessed, while the periodical revision of assessments was undertaken in a half-hearted manner. Often insanitary conditions were preferred to a strict administration, with the result that progress towards a good water supply and proper drainage was spasmodic rather than continuous, depending as it did mainly on donations from the local government. Elections were keenly contested, not only at the polls but also in the courts, one-sixth of the elections in Bengal in 1915 being the subject of civil suits.[1] But the zeal for the public good seemed to grow weaker after the acquisition of a seat on the local authority. In some cases, it is true, the members of municipalities did excellent work. The majority, however, did not recognise the fact that as trustees of the public they were bound to see that public money was collected fairly and also spent to the best advantage. Government control had been reduced to the extent advocated in 1882, and was much less than that exercised in England by the Local Government Board over local authorities; but municipal bodies showed few signs of that healthy exercise of public spirit and enterprise to be found in those after whose fashion they had been created. In 1919 the government of Bengal observed:

> One of the most noticeable features of the reports for the year is the reiterated and general complaint of the inadequacy of municipal funds to maintain any high standard of administration, combined with a general disinclination on the part of municipal boards to raise funds for the purpose....Many boards have only elementary ideas of the duties and responsibilities of municipal administration. The incidence of taxation is below R.1 per head in more than one-fourth of the municipalities, and at this figure it is impossible to expect much in the way of civic amenities.[2]

From the above review it will be seen that British administrators were more successful in retaining and developing the indigenous local self-government of the villages than in transplanting urban and rural organisations to their appropriate habitats in India. After many experiments an efficient system was evolved for the presidency towns, thanks to the intimate intermingling of official and private elements in these corporations. In the smaller towns and districts, however, no great success was achieved in establishing a local self-government at once competent and capable of a healthy natural development.

[1] Bengal Municipal Resolution for 1915–16.

[2] *Idem*, 1918–19.

CHAPTER XXIX

THE NATIONAL CONGRESS AND EARLY POLITICAL LITERATURE

POLITICAL activity in India has been marked by a tardy beginning and very rapid development. For the first thirty or forty years after the decision to base higher education on occidental rather than on oriental literature, educated Indians were engaged in absorbing the new ideas. The first effects of the impact were noticeable in the religious field, causing the formation and growth of new sects, accompanied by a revival of orthodoxy. Higher education was so largely in the hands of missionaries that the earliest activities were directed towards examination of faith and consequently led to movements for social reform. In Bengal the Brahmo Samaj founded by Raja Ram Mohan Roy (1772–1833) was a theistic sect, the members of which supported the abolition of sati. While it was under the leadership of Debendranath Tagore a schism occurred. A young minister of the sect, Keshub Chundra Sen (1838–84) was dismissed and founded a new society, the main question in dispute being the toleration of Hindu usages and customs which appeared innocent.[1] Members of this pressed on radical social reforms in regard to marriage, female education and temperance. Sir Surendranath Banerjee in his autobiography[2] describes the great effect on young minds of public speeches on religious and social topics by Keshub Chundra Sen, on temperance by Peary Churn Sircar, and on the remarriage of widows by Pandit Iswar Chunder Vidyasagar. From ethics and social improvement the step to political activity was short. Works by the English liberals provided inspiration, and the affairs of Italy, and above all, the career and writings of Mazzini, quickened the imagination of young Bengalis, already enlivened by religious and ethical excitement.

At Calcutta there already existed a British Indian Association, chiefly supported by the landed proprietors to look after their interests. Sir S. N. Banerjee, who joined the Indian Civil Service in 1871 and was dismissed a year later, took up educational work and devoted much time to his students outside the class-rooms. In his own words his aim was "to kindle in the young the beginnings of public spirit and to inspire them with a patriotic ardour, fruitful of good to them and to the motherland",[3] and his method was to lecture on Indian unity, the study of history, the lives of Mazzini and Chaitanya,[4] and higher

[1] Max Müller, *Chips from a German workshop*, II, 63 (1895 ed.).
[2] *A Nation in the Making*, pp. 6–8. [3] *Idem*, p. 35.
[4] Fl. 1485–1527. Founder of the modern Vaishnava sect in Bengal.

education in English. Pursuing his desire to awaken in the middle classes a more lively interest in public affairs, he helped to found the Indian Association in 1876. Within a year an opportunity came for extending political agitation in other parts of India. The reduction of the age limit for entrance to the Indian Civil Service (see chapter xx) was regarded as injurious to Indian candidates and delegates were sent first to Northern India, and later to the west and south, to arouse interest in a memorial praying for the raising of the limit and for simultaneous examinations, and to establish branch associations. Accompanying these legitimate movements was an undercurrent of dislike and antagonism which showed itself by scurrilous writings in the vernacular press charging the British government with injustice and tyranny.[1] In April, 1878, an act was passed for the better control of the vernacular press, and this measure and an act to limit the possession of arms led to further activity in criticism of the government and discontent with the opportunities available to Indians of controlling the direction of public affairs, as well as of obtaining posts in the public service.

A change in the government in England led to the resignation of Lord Lytton, who was succeeded as viceroy by Lord Ripon in 1880. His early announcement of projected advances in local self-government (see chapter xxviii) was welcomed by the Indian Association, and his repeal of the Press Act which had been condemned at the time of its passing by Mr Gladstone, greatly increased his popularity. During his term of office racial conflict was embittered by a controversy over limits to the jurisdiction exercised by Indian magistrates in cases where a European was charged with an offence. Lord Ripon's government introduced a bill[2] to extend this jurisdiction and a strong agitation was raised by non-official Europeans, especially the indigo and tea planters, who resided on estates often remote from the headquarters of police and magistrates and were particularly liable to be the subject of groundless or exaggerated charges. A counter resentment was stirred up in the minds of the Indian middle classes, who felt that a racial privilege was being perpetuated, and that a slur was cast on Indian magistrates. Sir Henry Cotton, who at the time was an official in Bengal, and who after his retirement joined the Indian National Congress, was of opinion that this agitation and the protests by Europeans against the policy of Lord Ripon tended more strongly to unite Indian national opinions than legislation on the lines of the original bill would have done.[3]

Another religious movement, the followers of which had a strong influence on political thought, was the Arya Samaj, founded by Dayanand Saraswati (1825 or 1827–83).[4] Unlike the Brahmo Samaj,

[1] Sir George Campbell, *Memoirs of my Indian Career*, ii, 314; and *Bengal Administration Reports*, 1874–5, and 1875–6.
[2] Known as the Ilbert bill.
[3] H. J. S. Cotton, *New India*, p. 4.
[4] Max Müller, *op. cit.* ii, 167.

which evolved an eclectic faith, this new society based its creed on the Vedas, and claimed that these alone were the revealed scriptures and that they contained mystical references to all knowledge, even to the discoveries of modern science. Mme Blavatsky, the founder of the Theosophical Society, had been affected by Buddhism, and used this new doctrine in developing her cult.[1] While the Brahmo Samaj was mainly confined to Bengal, and the Arya Samaj to Western and Northern India, theosophy attracted individuals in all parts of India, and had its established centre near Madras. None of these spiritual movements had any direct political aims, but they brought together men who were seeking fresh interpretation of the old faiths, and who naturally passed thence into affairs of state. In 1883 the Bengal group of young political workers organised a national fund and held their first national conference attended by delegates from the principal towns. They were doubtless closely following affairs in Ireland, where the Irish National League had taken the place of the defunct land league in the previous October. A year later a small meeting in Madras, chiefly composed of delegates to the annual convention of the Theosophical Society, decided to organise committees to gather adherents for an Indian national union, and meet again for political discussions.[2] In 1885 the national conference met again at Calcutta, with delegates from Northern India as well as from Bengal, and simultaneously the national union held a series of meetings at Poona which constituted the first Indian National Congress, and absorbed the earlier institution. The promoters of both these gatherings made representative government their main objective, and announced their hopes that the conferences would develop into Indian parliaments. A congress resolution asked for a considerable proportion of elected members in the existing councils, for the creation of new councils in the North-Western Provinces and Oudh (now the United Provinces) and in the Panjab, for the right to discuss the budget and to put interpellations on all branches of the administration, and for the formation of a standing committee of the House of Commons to consider protests by legislative councils if they were overruled by the executive. The congress also desired to abolish the council of the secretary of state, to have simultaneous examinations in India and England to admit candidates for the Indian Civil Service, the age being raised, and to limit military expenditure. It deprecated the annexation of Upper Burma on the score of expense, and suggested that, if annexation took place, the whole of Burma should be administered separately from India, as a crown colony.

The meeting stimulated further political activity and organisation, and was repeated annually. An attempt was made to give it a representative character, but for some years the delegates could be chosen

[1] *Encycl. Brit.* 11th ed. xxvi, 789.
[2] Annie Besant, *How India wrought for freedom*, p. 1.

by any association of any kind or indeed at any public meeting convened by anybody. A few Europeans became members, but their example has not had many followers. Muslims joined only in small numbers, and their sympathy as a community with the congress was weakened by a lecture delivered at Lucknow by the late Sir Sayyid Ahmad in December, 1887, while the congress was meeting in Madras.[1] Sir Sayyid, after a long career in the judicial service of the United Provinces, had devoted himself to promoting the study of English by Muslims, and had been a nominated member of the imperial legislative council. He was entirely free from religious prejudice, and had indeed exerted himself to reduce it, but he maintained that, in the conditions then existing in India, compliance with the demands made by the congress would injure the state. Competitive examinations, though suitable in English conditions, would in India lead to the selection of officials whose origin would make them inacceptable to the strongly conservative Indian with his pride in ancestry. Diversity of race and tradition created another problem, and domination by the Bengalis, who were likely to gain most of the posts, would not be submitted to by Muslims and Rajputs with their more warlike traditions. The second congress in 1886 had elaborated the previous scheme for representation in legislative councils, asking that not less than half the members should be elected, and not more than a quarter nominated non-officials. Sir Sayyid pointed out that in any ordinary system the Muslims would be in a minority, and, even if special representation were given to them, their backwardness in education and their comparative poverty would place them at a disadvantage. He asserted the loyalty of the Indian people and the comparative insignificance of those who wished for political power, and he questioned the authority of the congress to criticise military expenditure. In a later address he shrewdly doubted the willingness of Indians to tax themselves even if they had the power. Although the third congress elected a Muslim gentleman from Bombay as president, Sir Sayyid's advice was followed by most Muslims for twenty years, and was not appreciably affected by a resolution of the fourth congress that resolutions should not be introduced for discussion if one community strongly objected, or be passed if such objection became apparent during discussion.

A change in viceroys, Lord Dufferin having succeeded Lord Ripon at the end of 1884, meant no reversal of the general policy of meeting reasonable demands with a liberality confined only by restrictions which those best fitted to judge held necessary in the view of all interests. Lord Dufferin had previous experience in the near East of the ways of Eastern autocracy, and in Canada of the position of a constitutional governor-general in a dominion feeling its way to responsible government. His natural inclination to liberal measures was tempered by

[1] Sir Sayyid Ahmad, *On the present state of Indian politics*, Allahabad, 1888, p. 1.

the dangers of academic idealism impressed on him as an Irish landlord, who had managed his own estates. Only a year before he went to India he had drawn up a scheme[1] for associating the people more closely with the government in Egypt, which was in force for twenty years,[2] and has been copied by several constitution makers for India.

After two years' study of Indian conditions he recorded a minute (1886) which exhibits his insight into the real desires of the forward party, and his sagacity regarding the method for meeting them. He desired to make a careful examination of the demands,

> ...to give quickly and with a good grace whatever it may be possible or desirable to accord; to announce that the concessions must be accepted as a final settlement of the Indian system for the next ten or fifteen years; and to forbid mass meetings and incendiary speechifying.[3]

Soon after his arrival he had felt the desirability of reform in the legislative councils, and he now advocated changes which would give the viceroy the advantage of relying more largely upon the experience and counsels of Indian coadjutors, while the possibility of their having a party behind them would relieve the Government of India from its existing isolation.

Another period of two years passed before definite proposals were sent home (November, 1888), in a dispatch accompanied by a minute of Lord Dufferin. He had described in 1886 the risks to be incurred by introducing a representative element into the Government of India, but was prepared to liberalise at all events the provincial legislative councils, one of which, in the North-Western Provinces and Oudh, was created in that year. Supported by a committee of his executive council Lord Dufferin described his scheme as

> a plan for the enlargement of our provincial councils, for the enhancement of their status, the multiplication of their functions, the partial introduction into them of the elective principle, and the liberalisation of their general character as political institutions.[4]

At the same time he deprecated the inference that the Government of India were contemplating, in the provinces, an approach to English parliamentary government and an English constitutional system. The Indian executive was directly responsible to the sovereign and to the British parliament and must remain so while Great Britain continued to be the paramount administrative power in India. Describing the British system of responsible government, he pointed out that it could not be introduced into an Indian province because the governor, if a vote was carried against him in his legislative council, could not "call upon the dissentients to take the place of his own

[1] Sir A. Lyall, *Life of the Marquis of Dufferin and Ava*, p. 43.
[2] *Idem*, p. 48. [3] *Idem*, p. 151.
[4] Montagu-Chelmsford Report, paras. 67-8.

official advisers, who are nominated by the queen-empress on the advice of the secretary of state". In proposing to liberalise the government, therefore, he insisted on the necessity of leaving "in the hands of each provincial government the ultimate decision upon all important questions and the paramount control of its own policy", by arranging that nominated members of legislative councils should outnumber the elected members, and that the governor could overrule his council when he felt it necessary to do so. He foresaw that even with these limited powers the elected members would be able to influence the policy of the government, and he felt that their presence in the council would be beneficial by enlarging the field of public discussion, while they would consider themselves "responsible to enlightened and increasing sections of their own countrymen".

The Conservative government in England declined to agree to any system of election on the ground that "it would be unwise to introduce a fundamental change of this description without much more evidence in its favour than was forthcoming".[1] Lord Lansdowne, who had now succeeded Lord Dufferin, supported his recommendation, and asked that at least the Government of India might be empowered to make rules for the appointment of additional members by nomination or otherwise, to include election where conditions justified its use. A bill was prepared in 1889, but not introduced till February, 1890 (House of Lords). From the papers which were simultaneously presented[2] all reference to a system of election was completely excluded, and the only portions of Lord Dufferin's minute, a state paper of the highest value, which appeared in them were his recommendations that the annual budget should be presented and discussed,[3] and that non-official members should be allowed to ask questions. Lord Cross accepted these and was also prepared to increase considerably the number of nominated members in the councils, and the bill provided for all these matters.[4] While the proposals met with no opposition in the House of Lords, the government was strongly pressed to allow some method of election, and to publish in full the dispatches and minutes. Lord Ripon asserted that Lord Dufferin's minute had been surreptitiously printed in India, and it was known that he favoured election. Lord Northbrook spoke eloquently in favour of it, while at the same time deprecating any approach to the British system: "India is a long way from having what is called a responsible government, namely an administration composed of men who possess a majority in the representative assembly".[5] He was not opposed to a body like the congress, though he admitted that certain

[1] Montagu-Chelmsford Report, para. 69.
[2] Cd. 5950 of 1890.
[3] Lord Mayo had proposed this for provincial councils twenty years earlier, but without success, *vide* Mr Curzon, Hansard, 28 March, 1892, p. 60.
[4] Another clause was added to give provincial councils powers of modifying laws passed by the imperial council after 1861. See Lord Herschell in Hansard, 13 March, 1890, p. 669.
[5] Hansard, 6 March, 1890, p. 63.

members were circulating papers which might be dangerous, and he deprecated the scheme of election which it had advocated. All those who supported him were agreed that details must be worked out in India owing to the complexity and variety of Indian conditions, and there was a disposition to avoid motions on the budget as leading to irresponsible discussion. Lord Salisbury laid stress on the deep responsibility on any government that introduced the elective principle as an effective agent in the government of India. He was careful to make no rash prophecy about the future and said: "It may be—I do not desire to question it—that it is to be the ultimate destiny of India".[1] But he pointed out that the idea was foreign to the East and its adoption had so far produced no tangible results in Turkey or Egypt. Representative government appeared to him admirable only when all those who were represented desired much the same thing and had interests which were tolerably analogous. Echoing perhaps the addresses of Sir Sayyid Ahmad, he laid stress on the radical and acrid differences between Hindu and Muhammadan, and he poured ridicule on the idea that a constituency for representing virile communities like Panjabis and Rajputs or even the ryots could be found in a body elected for making streets and drains. He held that the chief need was for a fuller representation of all interests.

Though the bill quickly passed through the House of Lords, it was never taken up in the Commons. Irish affairs, while they had been an incentive to the Indian politicians and their supporters in England, proved a deterrent to the government. Mr Bradlaugh had already introduced one Home Rule bill for India, at the request of the Indian National Congress of 1889. It provided an elaborate scheme of electoral colleges, with proportional representation, and a large number of elected members. After the withdrawal (5 August, 1890) of the government measure, he produced a more modest bill, leaving details to be settled by rules. Mr Balfour's Land Purchase Bill for Ireland was occupying public time, and, though the Indian Councils bill was revived early in 1891, the certainty of great pressure to make it more liberal deterred the government, and it was again dropped after several postponements, causing great disappointment in India. The president of the congress meeting of that year explained the dropping of the bill as due to the death of Mr Bradlaugh.

With the break-up of the Parnellite party and the death of its leader, preoccupation with the affairs of Ireland was less intense, and a fresh bill passed the House of Lords in February, 1892, with little comment, as it contained a clause wide enough to permit some degree of an elective principle, though not prescribing it. Lord Northbrook indeed said that he preferred to describe his object as "representation" rather than "election", which Lord Kimberley had advocated. Commenting on this Lord Salisbury agreed with the former.[2]

[1] Hansard, 6 March, 1890, p. 98.
[2] *Idem*, 15 February, 1892, p. 117.

Speaking with less derision of the local bodies, he said that the government wished to popularise them and to bring them into harmony with the dominant sentiment of the Indian people, and added:

> But we must be careful lest, by the application of occidental machinery, we bring into power not the strong, natural, vigorous, effective elements of Indian society, but the more artificial and weakly elements, which we ourselves have made and have brought into prominence. It would be a great evil if, in any system of government which we gradually develop, the really strong portions of Indian society did not obtain that share in the government to which their natural position among their own people traditionally entitles them.

By a strange coincidence it fell to Mr G. N. Curzon to conduct this bill through the House of Commons, as under-secretary of state, and a quarter of a century later to draw up the final draft of a pronouncement which led to the tentative introduction of responsible government in Indian provinces. Like other spokesmen of the government, he described the bill as in no sense creating a parliamentary system.[1] No objection was raised to the proposals for discussion of the budget, and the right to put questions. The chief controversy was on the matter of election, and an amendment was moved by Mr Schwann to declare that no system would be satisfactory which did not embody this.[2] In committee he elaborated details which would have had the effect of fixing the number of elected members at between one-third and a half of the total membership, with election by ballot and not less than 2 per cent. of the population enfranchised.[3] Though the government was not prepared to bind itself to such a definite scheme, it was clearly understood that the rules to be framed would recognise the principle of election. Sir R. Temple, who had had a wide official experience in India and had been governor of Bombay, suggested that the sixteen additional members of the viceroy's council should be chosen by the towns in which an elective system was in force for municipal purposes,[4] and Mr Curzon indicated as bodies which would be suitable as constituencies the British Indian Association (which Lord Ripon had already used to suggest additional members for the discussion on the Bengal Tenancy Act), the chambers of commerce, the corporations of great cities, universities and various great religious associations. Mr Gladstone was satisfied that it was intended to have selection after election and deprecated a division on Mr Schwann's proposal to prescribe this in the bill, as it was not the business of parliament to devise machinery for the purposes of Indian government, though it was right to give those who represented Her Majesty in India ample information as to what parliament believed to be the sound principles of government.[5] The premature claims of the congress to be accepted as representative were criticised by Mr Curzon in picturesque and illuminating fashion:

[1] Hansard, 28 March, 1892, p. 57. [2] *Idem*, 28 March, 1892, p. 68.
[3] *Idem*, pp. 1301 *sqq.* [4] *Idem*, p. 98. [5] *Idem*, p. 80.

You can as little judge of the feelings and inspiration of the people of India from the plans and proposals of the congress party as you can judge of the physical configuration of a country which is wrapped in the mists of early morning, but a few of whose topmost peaks have been touched by the rising sun.

Sir Richard Temple, with a more intimate knowledge of individual members, gave a warning against entrusting more political powers to them until they showed "greater moderation, greater sobriety of thought, greater robustness of intelligence, greater self-control—all which qualities build up the national character...".

The bill having been passed without amendment (26 May, 1892), the Government of India were informed that parliament intended that:

where corporations have been established with definite powers, upon a recognised administrative basis, or where associations have been formed upon a substantial community of legitimate interests, professional, commercial or territorial, the governor-general and the local governors might find convenience and advantage in consulting from time to time such bodies, and in entertaining at their discretion an expression of their views and recommendations with regard to the selection of members in whose qualifications they might be disposed to confide.[1]

The possible number of additional members was increased under the act from twelve to sixteen in the imperial council, was more than doubled in Bombay and Madras, and was raised by 70 per cent. in Bengal and the North-Western Provinces and Oudh. By the regulations it was provided that some of these should be nominated after recommendation by certain bodies.[2] Of the ten non-official members of the imperial council, four were to be chosen by the non-official additional members of the councils in Madras, Bombay, Bengal and the North-Western Provinces and Oudh, and one by the Calcutta Chamber of Commerce, the remaining seats being reserved for the appointment of experts on special subjects of legislation and the proper representation by nomination of different classes of the community. For the provincial councils the method of selection varied according to local conditions. Each of the three presidency cities (Madras, Bombay and Calcutta) nominated a member, and there were representatives of the trading associations and senates of universities. Representatives of the district boards and smaller municipal boards met in an electoral college to select other nominees. The scale of representatives of municipal boards was based on the income of the municipality in Bengal and on the population in Bombay, while in the North-Western Provinces and Oudh each municipal board sent only one representative to the electoral college. Thus in Bengal the influence of the towns outweighed that of the countryside. In Bombay the bigger landowners also had a right of nomination.

[1] Montagu-Chelmsford Report, para. 69.
[2] Cd. 86 of 1894.

Although the act was criticised by the congress of 1892 for not containing an explicit recognition of the right to elect, the regulations made under it had the practical effect of instituting an elective system, and the other changes it made indicated that the councils were no longer to remain, as they had been under the act of 1861, bodies which met only when legislative business was on hand. In the thirty years which had elapsed since they were constituted it had been possible only on sixteen occasions to discuss financial matters, while now the budget was to be presented annually whether taxation was being altered or not. And the right to put questions was a definite enlargement of the powers of members.

CHAPTER XXX

THE RISE OF AN EXTREMIST PARTY

On 5 August, 1832, Mountstuart Elphinstone predicted to a select committee of the House of Commons that if the Indian press were free we should, as time went on, find ourselves in such a predicament as no state had ever yet experienced.

"In other countries", he said, "the use of the press has extended along with the improvement of the country and the intelligence of the people; but in India we shall have to contend at once with the more refined theories of Europe and with the prejudices and fanaticism of Asia, both rendered doubly formidable by the imperfect education of those to whom every appeal will be addressed."

Similar views had been expressed by Munro and Malcolm.[1] A free press, Munro thought, would inevitably generate "insurrection and anarchy". But such warnings were disregarded by Charles Metcalfe in 1835, when, as acting governor-general, he removed all press restrictions on the ground that whatever the consequences might be, this step was requisite for the spread in India of Western knowledge and civilisation. Twenty-one years later, after the licence enjoyed by indigenous newspapers had liberally contributed to the causes of the Mutiny,[2] Lord Canning imposed temporary restrictions, which remained in operation for a year. In 1878 Lord Lytton's government, holding that the seditious tone of the vernacular newspapers compelled some curtailment of the "exceptional tolerance" accorded to journalists, and that freedom of the press was rather a privilege to be worthily earned and rationally enjoyed than "a fetish to be worshipped", passed a Vernacular Press Act which was severely criticised in England and repealed by his successor in 1882. In 1883, when the Ilbert bill controversy was raging in Bengal, Sir Alfred Lyall, lieutenant-governor of the North-Western Provinces, observed that the tone of the native press in that province was daily growing more vicious and insulting and might end by "leavening the mass" to a greater degree than was fancied. He was constantly speculating as to how far it could possibly "be despised as impotent and absurd".[3]

It is clear that from early days the congress included two parties of Hindus. There were the Western-educated followers of Gladstonian liberalism,[4] loyal to British rule but anxious to press on politically, who drew much inspiration from English literature and history and gathered strength from their power to appeal to English democratic sympathies. There were also reactionary and irreconcilable Hindus,

[1] Malcolm, *Political History of India*, II, App. vi.

[2] See Lord Canning's speech to his legislative council, 13 June, 1857, quoted *ap.* Donogh, *Law of Sedition*, pp. 182–3.

[3] Durand, *Life of Lyall*, p. 283.

[4] *Idem*, p. 305.

who regarded the memories of Muslim supremacy and the intrusions of British rule and Western culture with rooted aversion. Prudential considerations, the respect generally enjoyed by the government, its ability to guard the country from the obvious menace of Russian invasion and from the feuds of India's numerous factions[1] dictated caution; but the will to strike was there and found a vent in bitter and slanderous passages in congress publications.[2] To Hume these were justifiable weapons in a "war of propaganda".[3] To the government they seemed unworthy of serious notice. But to the great Muslim leader, Sir Sayyid Ahmad, the congress publications represented a grave danger. He impressed on his co-religionists that the promoters of the movement desired that the government of India should be English in name but their own in fact, and that if the agitation spread from the unwarlike to the warlike classes, it would go beyond writing and talking and would lead to bloodshed. If the Muslims joined in "unreasonable schemes" which were disastrous for the country and themselves, the viceroy would realise that "a Mohammedan agitation was not the same as a Bengali agitation",[4] and would be bound to take strong measures. He implored the Muslims to have nothing to do with the congress.

The congress, however, gathered a few Muslim adherents, as time went on; and gradually its extreme section discovered a leader. In the meantime the death of a Hindu child-wife in Calcutta led to the prosecution of her husband for culpable homicide and to the passing in 1891 of an Age of Consent Act which prohibited cohabitation before a wife reached the age of twelve. This legislation produced violent excitement among the Hindus of Calcutta, who complained that their religion was in danger; and articles in the *Bangabasi* newspaper published there led to the prosecution of the editor, manager and printer for sedition.[5] But reactionary Hinduism found its chief exponent in Bombay.

The Konkanasth or Chitpavan Brahmans of Western India have always been remarkable for ability. It was under a Chitpavan dynasty that the Maratha empire had reached its highest point and afterwards declined to its fall. Chitpavans had adapted themselves to calmer times and were prominent at the bar, in education and in government service; but some there were who mourned the fallen glories of the Peshwas; and prominent among these was Bal Gangadhar Tilak, educationist and journalist. Elected to the subjects committee of the congress of 1889, he soon established a leading position. His determined character, his Sanskrit learning, his mastery

[1] Durand, *Life of Lyall*, p. 300.
[2] See, for instance, certain passages in the Report of the congress meetings in 1890.
[3] Wedderburn, *A. O. Hume*, pp. 68, 76–7.
[4] Sir Sayyid Ahmad, *On the present state of Indian Politics*, p. 18.
[5] See Donogh, *op. cit.* chapter iv; also Mitra's article in the *Fortnightly*, xcv, 147; Farquhar, *Modern Religious Movements in India*, pp. 397–8.

of English and Marathi, his rough eloquence, attracted followers. He appealed to reactionaries by bitterly opposing the Age of Consent Bill, and in his vernacular journal the *Kesari* (Lion) bitterly denounced all Hindu supporters of that measure as traitors and renegades. He carried anti-foreign propaganda far and wide among Hindu schoolboys and students, and started gymnastic societies. His object was to stimulate hostility to "mlencchas" (foreigners), Muhammadan and British. He took a leading part in directing a movement for repairing the tomb of Sivaji, who first united Marathas against Muslim rule, and for holding festivals in Sivaji's honour. A famine in 1896, and the subsequent arrival in Bombay of bubonic plague, afforded an opportunity for anti-government agitation. When calamities come, the masses incline to blame their rulers; and anxious to arrest the ravages of the plague, the provincial government prescribed methods of segregation which were repugnant to popular habits. House-to-house inspections were ordered; and British soldiers were employed in Poona as search-parties for infectious cases. Bitter diatribes appeared in the vernacular press; and on 4 May, 1897, in the columns of the *Kesari* Tilak charged the soldiers with various excesses and imputed deliberately oppressive intentions to the government and its officers. On 15 June he published two remarkable articles. The first represented Sivaji as wakened from his long sleep and horrified at the state of his realm. He had established "swaraj" (his own kingdom). But now foreigners were taking away the wealth of the country; plenty and health had fled; famine and epidemic disease stalked through the land. Brahmans were imprisoned; but white men escaped justice. Women were dragged out of railway carriages. He had protected the English when they were traders, and it was for them to show their gratitude by making his subjects happy. Another article gave an account of the killing by Sivaji of Afzal Khan, a Muslim general, and expressed the opinion that great men were above the common principles of morality. Sivaji had committed no sin in killing Afzal Khan

> for the good of others. If thieves enter our home and we have not sufficient strength to drive them out, we should, without hesitation, shut them up and burn them alive. God has not conferred on mlencchas the grant inscribed on copper plate of the kingdom of Hindostan....Do not circumscribe your vision like a frog in a well. Get out of the Penal Code, enter into the extremely high atmosphere of the Bhagwat-Gita,[1] and then consider the actions of great men.

Shortly after the appearance of these effusions W. C. Rand of the Indian Civil Service, officer in charge of plague preventive operations, and Lieutenant Ayerst, on plague duty, were assassinated in Poona by two young Chitpavan Brahmans named Chapekar. The murderers were arrested, tried, convicted and executed. They had founded an association for physical and military training which they called the

[1] "The Lord's Song" in the sixth book of the Mahabharata.

"Society for the removal of obstacles to the Hindu religion". Two others of the associates murdered two informers, but were themselves arrested, tried and executed. Tilak was prosecuted for exciting disaffection to the government by means of the *Kesari* articles of 15 June, and was convicted and sentenced to eighteen months' imprisonment, six months of which were subsequently remitted. The *Kesari*, however, continued to circulate. Its financial success attracted emulation, and its tone was caught by other journalists. At the congress of 1897 Surendranath Banerjee from Bengal expressed these sentiments: "For Mr Tilak my heart is full of sympathy. My feelings go forth to him in his prison-house. A nation is in tears". Nowhere did Tilak's methods and organisations attract more attention than in Bengal. His influence is plainly to be seen in the accompaniments of the subsequent revolutionary movement in that province. His example in brigading school-boys and students in gymnastic societies for purposes of political agitation was followed there. Endeavours were even made to introduce into Bengal, the very province which in pre-British days had been scourged by Maratha raids, the singularly inappropriate cult of Sivaji. On his return from incarceration Tilak found his position unimpaired, but for some years he remained quiet. The circulation of the *Kesari* increased. He was biding his time.

Lord Curzon's Partition of 1905, which split Bengal proper into two and gave the Muhammadans numerical preponderance in the eastern province, although expedient from an administrative point of view, was strongly opposed by Hindu politicians and lawyers and came at a peculiarly unfortunate time. In 1902–3 revolution had been preached secretly among the *bhadralok*[1] (respectable classes) by a small band of conspirators. But although religious revivalists had been at work among Hindus for some years, and Swami Vivekananda, a Bengali who had visited the Chicago conference of religions as a representative of Hinduism, had preached nationalism with religious tendencies, revolutionary doctrines intermingled with appeals to the Hindu religion at first made no progress. Their opportunity came later with the combined effects of the resounding victories of Japan over Russia, the belief of the political class that Lord Curzon's educational reforms were designed to cramp the expansion of their influence, and Hindu resentment of the partition of Bengal. The anti-partition agitation with its vehement invective, its appeals to Hindu sentiment, its cry that Bengal as motherland, once rich and famous, had been torn in two despite the protests of her children, its proposals for enforcing a punitive boycott of foreign goods and supplanting them entirely by "swadeshi" indigenous products, its enlistment of students and school-boys in picketing operations, gave ample cover for the sedulous preaching of revolutionary doctrines. In Eastern Bengal, the principal theatre of disturbances, the boycott with its accompani-

[1] See p. 251, *supra*.

ments of intimidation and terrorism, was vigorously opposed by the Muhammadans and riots became more and more frequent. In both Bengals it was constantly proclaimed that the government was setting the Muhammadans against the Hindus. Hindu political sentiment reached an unprecedented height of bitterness, and found ample outlet in the press which it mainly controlled. Under cover of a storm of passion, the revolutionists organised secret societies, collected arms, and manufactured bombs. But their main objective was the "building up" of popular opinion, the creation of a general atmosphere favourable to their schemes. They published newspapers and leaflets which preached violence and omitted no calumny which could vilify the British race. To get rid of the European was a religious duty. India whose civilisation had been tarnished and corrupted first by Muslim and then by British cruelty and oppression, would then recover her ancient glory. Such exhortations were frequently supported by gross perversions of history. For their initiates the conspirators, borrowing ideas from Asia and Europe, prescribed a mixture of textbooks, the *Bhagavad Gita*, the lives of Mazzini and Garibaldi, Russian methods of revolutionary violence, military manuals and books on explosives. The achievements of Japan were reiterated; the importance of spreading propaganda among the Indian troops was emphasised; the necessary funds if not obtainable from voluntary subscription, must be extorted from "miserly or luxurious members of society". Such doctrines spread rapidly among the Hindu youths and the discontented teachers who thronged the far-flung, ill-managed, schools and colleges of Bengal, among the numerous lawyers who found themselves idle and unhappy, among many young men who were dissatisfied with the meagre fruits of years of laborious study. It was not long before they began to bear fruit in a network of underground conspiracies, in a long, intermittent series of calculated crimes, of bomb outrages, of "political dacoities", gang robberies practised on helpless people in remote villages for the purpose of augmenting revolutionary funds, of secret murders, of assassinations of Indian police officers; and gradually an atmosphere of terrorism began to spread over parts of Bengal. On 6 December, 1907, the train on which Sir Andrew Fraser, the lieutenant-governor, was travelling, was derailed by a bomb near Midnapur. On the 23rd of the same month, Mr Allen, formerly district magistrate at Dacca, was shot in the back, though not fatally, at a railway station. On 30 April, 1908, at Muzaffarpur in Bihar, a bomb was thrown into a carriage in which two ladies, Mrs and Miss Kennedy, were driving. Both were killed. The bomb was intended for Mr Kingsford, a judge who had incurred the displeasure of the revolutionaries. The murderers, two young Hindus, were arrested within two days of the commission of their crime. One, a student, confessed in court and was hanged. The other shot himself dead on arrest.

In the meantime revolutionary conspiracy had been active in other provinces.

Early in 1907 it became evident that the ferment in Bengal was bearing fruit in the Panjab. The situation there at the end of April was described in a minute by the lieutenant-governor, Sir Denzil Ibbetson. Educated extremist agitators, he wrote, were openly and sedulously preaching an active anti-English propaganda in certain towns. In Lahore the propaganda was virulent and had resulted "in a more or less general state of serious unrest". On two occasions Europeans had been insulted as such. Endeavours were being made to inflame the passions of the Sikhs by exploiting unpopular agrarian legislation. The police were being pilloried as traitors to their fellow-countrymen and were advised to quit the service of the government. Similar invitations were being addressed to Indian soldiers. Some of the conspirators looked to driving the British out of the country, or at any rate from power, either by force or by the passive resistance of the people as a whole. The method for bringing the government to a standstill would be the working up of the bitterest racial hatred. The situation urgently required remedy.

Riots occurred at Lahore and Rawulpindi; and the principal agitators, Lajpat Rai and Ajit Singh, were arrested and deported under a regulation of 1818.[1] The unpopular agrarian legislation was vetoed by the central government and trouble subsided; but the suggestion that the root of the trouble was agrarian was negatived by the secretary of state, John Morley, who said on 6 June, 1907, in the House of Commons that of twenty-eight meetings convened by the Panjab agitators between 1 March and 1 May, twenty-three were "purely political". All was quiet for a time till in 1909 a stream of seditious literature issuing from Lahore necessitated further preventive measures. In November, 1907, Lord Minto informed his legislative council that not only had "disgraceful overtures" been made to the Indian troops, but that seeds of sedition had been scattered even among the "hills of the frontier tribes".[2]

In Madras disturbances followed after a series of public lectures delivered by an itinerant Bengal agitator, Mr Bipin Chandra Pal, who declared that the British administration was based on "maya" (illusion), and after many inflammatory harangues of a local politician Chidambaram Pillai. In the United and Central Provinces, which under the firm and experienced administration of Sir John Hewett and Sir Reginald Craddock presented an unpromising field for open disturbance, there were seditious newspapers and secret burrowing.

In London an "India House" had been opened by Shyamaji Krishnavarma, son of a Kathiawar merchant, who published a

[1] Defined by Lord Morley as "an emergency power which may be lawfully applied if an emergency presents itself". *Indian Speeches*, pp. 145–7.

[2] Lord Morley, *op. cit.* p. 57.

paper called *The Indian Sociologist*. This "India House" soon became notorious as a centre of a secret conspiracy; and its activities, tolerated for years,[1] culminated in the murders of Sir William Curzon Wyllie and Dr Lalkaka at the Imperial Institute on 1 July, 1909.

The congress of 1905 supported the boycott in Bengal. The president was Gopal Krishna Gokhale, a Chitpavan Brahman who had acquired considerable reputation as a politician, an educationist and a member of the imperial legislative council. He complained that Lord Curzon, like Aurangzib, had caused bitter exasperation by a policy of distrust and repression.[2] Lala Lajpat Rai, a Lahore lawyer who subsequently became prominent in the Panjab disturbances of 1907, congratulated Bengal on a splendid opportunity of heralding a new political future for India. At the congress of 1906 the president was Dadabhai Naoroji, a Parsi and a veteran politician who had sat in the British parliament. The boycott was justified and revocation of the partition was demanded. But in fact a split was only avoided by the adoption of "swaraj" as the goal of congress ambitions. To the soberer spirits, the Moderates, this meant the establishment of a full parliamentary system. To the irreconcilables, the Extremists, it signified absolute independence. It was Anglicised as the extension to India of the system of government which obtained in the self-governing British colonies. Appearances had been saved, but only just saved; and the Moderates were very uneasy, as some at least were aware that, behind all the whirlwind of passion in Bengal, revolutionists were busily organising. As yet the government had shown no sign of perception of this fundamental fact. The exercise of its ordinary statutory powers failed to check the unprecedented incendiarism which was going on; and it was not until the Indian Newspapers (Incitement to Offences) Act was passed in June, 1908, that the most inflammatory of all the Calcutta newspapers, the *Jugantar* (new era), was suppressed. The sanction of the secretary of state to a measure of this particular kind was long in coming. He justified it in these words:

> An incendiary article is part and parcel of the murderous act. You may put picric acid in the ink and pen, just as much as in any steel bomb....To talk of public discussion in connection with mischief of that kind is really pushing matters too far.[3]

Why then, it will be asked, was the preventive action that was so urgently needed postponed until two innocent English ladies had paid the penalty for prolonged tolerance of all this "mischief"? The explanation is simple. The whole agitation was persistently minimised by its friends in England; and "freedom of the press" is an English maxim.

Throughout 1907 Moderate alarm increased. But some of the older

[1] *Report of the Sedition Committee*, paras. 5–7, 10–12.
[2] Cf. Ronaldshay, *Life of Curzon*, II, 192, 390.
[3] Lord Morley, *op. cit.* p. 73. Cf. Chirol, *Indian Unrest*, p. 98.

men yielded to the growing frenzy for fear of being elbowed out by their juniors, others were genuinely impatient of the tardiness of constitutional reforms, and had not the tide been firmly stemmed by such men as Gokhale and Pherozeshah Mehta, also a Bombay congress man, who now refused emphatically to be dragged along at the heels of their intemperate colleagues, the Extremists would have captured the congress. As it was, when the time approached for holding the 1907 congress at Nagpur in the Central Provinces, the place of meeting was altered, as a preliminary gathering of the reception committee was broken up by a gang of Extremists. When the congress gathered at Surat, the Extremists tried to achieve domination by force but were stoutly resisted; and dissolving in riotous scenes, the congress severed itself from them. The Moderate leaders were Gokhale and Pherozeshah Mehta from Bombay and Surendranath Banerjee from Bengal. The last-named had long led the anti-partition agitation; he had exerted himself to "give a religious turn" to the boycott movement, and to enlist the participation of students and school-boys; but now, finding the pace too fast, he began to retrace his steps. The most prominent irreconcilables were Tilak from Bombay and Arabindo Ghose from Bengal. The Moderates remained in command of the congress executive until in 1916, after the death of Gokhale, when the shadow of the war was lengthening over India, they joined with the Extremists in the December meetings of that year.

Despite his exclusion from the congress, Tilak's prestige stood high in the Deccan in the early months of 1908. He commanded the allegiance of many barristers, pleaders, schoolmasters and others. His propaganda was filtering down to mill-hands in cities, who, gathered together in huge tenements, by their density as well as by their ignorance, provide a peculiarly accessible field to political agitators. It was also penetrating to the headmen of villages. A movement had been started for the creation of "national schools", independent of state support and supervision, where revolutionary ideas could be circulated without let or hindrance; and politics were intermingled with temperance movements outwardly unimpeachable but in this case subordinated to the promotion of racial hatred. On 11 May, 1908, the resultant situation was thus described by Sir George Clarke, governor of Bombay:[1] "A large number of half-educated Indians, who can read and write English and have the smattering of knowledge which is useless for any practical purpose, but is always apt to be dangerous, seem to have become permanently hostile. These people, inspired by a few men of much higher calibre, run the seditious section of the press and work in schools, as public speakers, as travelling missionaries, and as distributors of placards and pamphlets".[2] On 12 May and on 9 June, 1908, Tilak published articles in the *Kesari*

[1] Now Lord Sydenham, G.C.S.I.
[2] Lord Sydenham, *My Working Life*, p. 222.

representing that the Muzaffarpur murders resulted from oppression and the refusal of swaraj. The bomb was the answer. "Bombs explode when the repressive action of government becomes unbearable." Tilak was prosecuted for attempting to bring the British government into hatred and contempt, and for endeavouring to provoke enmity and ill-will between different classes of His Majesty's subjects. He was tried by an Indian (Parsi) judge of the High Court and a jury which contained two Indians. He was convicted and sentenced to six years' transportation, afterwards commuted on account of his age and health to simple imprisonment at Mandalay. The character of his offence was thus described by the judge:

> You are a man of undoubted talents and of great power and influence. Had those talents and that influence been used for the good of your country, you would have been instrumental in bringing about a great deal of happiness for those very people whose cause you espouse. Ten years ago you were convicted. The court dealt most leniently with you then and the crown dealt still more leniently. After you had undergone your imprisonment for a year, six months of it were remitted on conditions which you accepted....It seems to me that it must be a diseased mind, a most perverted mind, that can think that the articles that you have written are legitimate articles to write in political agitation. They are seething with sedition; they preach violence; they speak of murders with approval; and the cowardly and atrocious act of committing murders by bomb not only seems to meet your approval, but you hail the advent of the bomb in India as if something had come to India for its good....Your hatred of the ruling class has not disappeared during these ten years, and these articles deliberately and defiantly written week after week—not written as you say on the spur of the moment but a fortnight after the cruel and cowardly outrages committed on English women—persistently and defiantly refer to a bomb as if it was one of the instruments of political warfare. I say that such journalism is a curse to the country.

It is remarkable that in correspondence with Sir George Clarke, Lord Morley expressed decided disapproval of the prosecution of Tilak. Morally and legally justifiable, it was, he held, politically unprofitable. He was apparently inclined to accept the view of Gokhale, who was then in London, that it would "prove an ugly discouragement to the Moderates".[1] Looking back now over the intervening years, we can see clearly that prosecution was not only an absolute duty but an imperative necessity. Political Moderates will naturally shrink from advising drastic action against former associates. But it is not to them or to anyone else that a government should turn for counsel at moments when its clear duty is to take prompt action. But Morley was "born to be a thinker and a writer, rather than a practical statesman".[2]

Tilak's conviction caused riots in Bombay which bore the impress of careful organisation, but were speedily stopped. Its more lasting result was a definite set-back to extremism in Bombay and indeed everywhere. Meanwhile remarkable developments were taking place in Bengal.

On 2 May, 1908, two days after the Muzaffarpur murders, searches

[1] Lord Sydenham, *op. cit.* pp. 224–5.
[2] Kilbracken, *Reminiscences*, p. 184.

were made in a garden and elsewhere in Calcutta resulting in the seizure of bombs, dynamite, cartridges and incriminating correspondence. A number of young *bhadralok* were brought to trial on the information of an approver. Fifteen were ultimately found guilty of conspiracy to wage war against the king-emperor. The plans and doings of the conspirators were fully disclosed. For two years and more they had launched on the public a highly inflammatory propaganda; they had collected arms and ammunition; they had studied bombs. The words of the judge who passed sentence on those convicted shows the extent to which the unbridled licence accorded to the press had assisted their project:

> There can be no doubt that the majority of the witnesses are in sympathy with the accused....I do not say with their motives, but with their objects; and it is only natural that they should be. Their natural desire for independence was not likely to be weakened by the constant vilification in season and out of season of government measures, not only by the yellow press, but by papers which claim to be respectable.

Outrages and murders were checked by but did not cease with these convictions; and other conspiracies came gradually to light. But the cruel and inhuman nature of subsequent murders and "political" dacoities (gang-robberies) did not deprive the perpetrators of the sympathy of many impressionable Hindus, whose views were in 1925 accurately diagnosed by one who now holds high office in India:

> I have reason to believe that the opinion is prevalent with very many people that, although violence and terrorism will never bring a nation political freedom, they are not bad instruments with which to weaken a government; in the words of a leading article in an Indian paper recently, they are "the sappers and miners of constitutional advance"; and it is claimed that their use is always followed by advance.[1]

On 7 November, 1908, an attempt was made to shoot Sir Andrew Fraser, lieutenant-governor of Bengal. Toward the end of the year nine prominent Bengalis were deported. On 17 December, Lord Morley announced his scheme of constitutional reforms.

The reforms were supported by the Moderates; and in a speech at Poona on 8 July, 1909, Gokhale urged loyal acquiescence in British rule, pointing out that self-government was an ideal for which Indians must qualify themselves. At Bombay on 9 October he strongly denounced the active participation of students in politics which often evoked in them a bitter partisan spirit injurious to their intellectual and moral growth. Extremist teaching rightly inculcated patriotism and self-reliance, but wrongly ignored all historical considerations in tracing India's political troubles to a foreign government.

> "Our old public life", he said, "was based on frank and loyal acceptance of British rule, due to a recognition of the fact that it alone could secure to the

[1] Sir Hugh Stephenson in the Bengal Legislative Council, 7 January, 1925.

country the peace and order which were necessary for slowly evolving a nation out of the heterogeneous elements of which India was composed, and for ensuring to it a steady advance in different directions. The new system condemns all faith in the British government as childish and all hope of real progress under it as vain....When one talks to young men of independence in a country like this, only two ideas are likely to present themselves clearly before their minds. One is how to get rid of the foreigner, and the other is how soon to get rid of him. All else must appear to them of minor importance....We have to realise that British rule, in spite of its inevitable drawbacks as a foreign rule, has been on the whole a great instrument of progress for our people. Its continuance means the continuance of that peace and order which it alone can maintain in our country, and with which our best interests, among them those of our growing nationality, are bound up. Our rulers stand pledged to extend to us equality of treatment with themselves. This equality is to be sought in two fields: equality for individual Indians with individual Englishmen and equality in regard to the form of government which Englishmen enjoy in other parts of the empire....It is on our average strength that the edifice of self-government must rest. The important work before us, therefore, is to endeavour to raise this average."

Gokhale's determined abandonment of a facing-both-ways policy was imitated by other Moderates, whose influence increased as their attitude grew firmer. Revolutionary conspiracy in Bombay had been purely Brahman and mostly Chitpavan. It ceased with the recognition that the British government was obviously still capable, calculable, and not in the least likely to abdicate. Chitpavans are practical men; and equalitarian ideals are obnoxious to all Brahmans. Later on, when toward the close of 1914, Tilak, who on release earlier in that year had declared himself loyal to the government, endeavoured to obtain readmission to the congress "in order to organise obstruction in every possible direction within the limits of the law", to bring the administration to a standstill, and "compel the authorities to capitulate" and grant self-government, but was unable to effect his purpose.[1] Nor did he return to the congress until Gokhale and Pherozeshah Mehta had passed away. But in Bengal conditions were different. There revolutionary conspiracy was not peculiarly Brahman. Subversive ideas had been widely and industriously diffused among a very imaginative and emotional class, the members of which were often sufferers from unemployment or economic adversity. For centuries no Hindu dynasty had governed the province; but Hindu sentiment, quick to resent the slightest legislative interference with any custom which could be represented as interwoven with religion, flowed deep and strong. The abolition of sati,[2] and the Age of Consent Act sixty years later, had provoked clamorous protests from conservative Bengali Hindus. Progressives too had their grievances, for Western learning, often acquired with long and painful effort, had often yielded unsatisfactory fruit.

Altogether there was a mass of discontent, social, political and economic, which gave ample opportunity for revolutionary teaching.

[1] See a letter of Gokhale's quoted *ap. Life of Sir Pherozeshah Mehta*, II, 654–6.
[2] See p. 142, *supra*.

The conspirators had gained a long start and had spread their nets widely. Murders and boycotting of witnesses and informers had broken down some prosecutions and were building up terrorism. The great water-country of Eastern Bengal was scantily manned with British officers, and its administration generally was starved during those critical years 1906–9.[1] The views of numbers of imaginative young Hindus regarding the British were moulded, not by any personal contacts with individuals, but by scurrilous newspapers, distortions of history and the idea that while a millennium was struggling on the threshold, its entry was blocked by a foreign government. The Press Act of 1910 at last effectively checked the poisonous flow of printer's ink.[2] But by that time enormous mischief had been done, and outrages were being perpetrated which, in the words of the government mover of the bill in the imperial legislative council, were "the natural and ordinary consequence of the teaching of certain journals".

Time has gone on. India's experience of extremism has widened. The consequences of the events and movements described in this chapter have become merged in the consequences of other events and of movements which followed on the war. Through the first years of that tremendous struggle extremism skulked in holes and corners. Revolutionary conspiracies were met, baffled and suppressed by the resolute action of the government. With subsequent events this chapter is not concerned. In our own day by spreading abroad a spirit of lawlessness and by sharpening animosities between various sections of an immense society, extremism has gone far to make the successful working of any parliamentary system in India for ever impossible. But perhaps this is the object of some of its leaders for, from the first, the movement has been chiefly Hindu. No orthodox high-caste Hindu can really desire to see democracy established in India.

[1] See p. 252, *supra*.
[2] Chirol, *Indian Unrest*, p. 99.

CHAPTER XXXI

THE REFORMS OF 1909

LORD CURZON'S departure from India towards the end of 1905 marked the close of a period of great administrative activity and reform. But although so many functions of government came under examination and were improved, organic change was not undertaken. Some Indian politicians indeed were inclined to suspect that more complete efficiency would crush their hopes of a larger share in both the legislative and executive direction of the country.[1] In selecting Lord Minto as a successor to Lord Curzon, the conservative government in England no doubt expected that his term of office would be marked by a restoration of good relations with the educated Indians, while it would be sufficient to watch the effects of the recent alterations and unnecessary to make others of much importance. Everything in Lord Minto's previous career supported these hopes. His chief administrative experience was as governor-general of Canada, a self-governing dominion, where he had shown great tact and power of conciliation, but no desire to exceed his constitutional functions by pressing his views about administrative details. Shortly before leaving England he spoke of his future task and, borrowing a simile from the turf, said that the best way to win a race was often to give a horse a rest between his gallops. And yet it was by his initiative that fundamental changes were carried through in the next few years.

In January, 1906, a liberal government with a large majority came into power in England and Lord (then Mr) Morley became secretary of state for India. Currents of political thought often begin as vaguely as natural floods, and require careful direction if they are not to develop into the devastating torrents of revolution. The aspirations which had become more insistently expressed in the twenty-first meeting of the Indian National Congress at Benares in 1905 were to be guided by a viceroy in India with a wide and varied experience of many classes of men, and by a secretary of state of great historical knowledge, but of a dictatorial habit tempered by a full realisation of the difficulty of getting his views accepted by the House of Lords.

When Lord Minto arrived in India, his legislative council and the councils in the provinces consisted (*vide* chapter XXIX) of a small number of members chiefly official or nominated, while only a few had been recommended by election. Their votes shaped legislation, but the budget had been passed before they discussed it, and, though questions could be asked, no supplementary questions were permissible. By the congress these arrangements had been criticised at their first

[1] Sir W. R. Lawrence, *The India we served*, p. 233.

introduction, but other matters had attracted greater attention until 1904, when three specific claims were made to secure to Indians a large share in the control of administration. One of these, borrowed from the French colonial system, was directed to securing the representation in the House of Commons of each province of India, and it was subsequently dropped. A second demand was for larger representation in the legislative councils, with the right to divide these bodies on all financial matters coming before them, while the third was for the appointment of Indian representatives (to be nominated by elected members of the legislative councils) as members of the council of the secretary of state for India, and of the executive councils of the governments of India and the governments of Bombay and Madras. These claims were repeated and developed in the following year. As early as March, 1906, Lord Minto began to discuss privately the third suggestion with the members of his own executive council, believing that an executive partnership would be easier to establish than a joint electoral body in the legislature.[1] So much opposition was made to his proposal that he did not even put it forward in his early correspondence with the secretary of state. On the wider question of admitting more Indians to the legislative councils, his first impression made him deprecate the importation of British institutions, a feeling with which Lord Morley agreed, though at the same time he argued that it was impossible in any advance to escape from their spirit.[2] In June, 1906, Lord Morley made detailed suggestions clearly based on the congress demands. Lord Minto's Canadian experience had shown him how easily suspicions of dictation from England are aroused, and he pressed that the public and official initiative should come from India. He therefore addressed a minute to a small committee of his executive council desiring it to examine certain questions. Impressed as Lord Dufferin had been by the danger apparent in Indian conditions that any system of ordinary election might exclude representatives of important communities, he named (in almost the exact language used by Lord Dufferin's committee) as interests which must be protected to secure a stable and effective administration: the hereditary nobility and landed classes, the trading, professional and agricultural communities, and the European planters and commercial classes. The specific topics for discussion were the constitution of a council of princes or their representation on the viceroy's legislative council, the appointment of Indian members on his executive council, increased representation on the imperial and local legislative councils, and the prolongation of the budget debate, with power to move amendments.

While in Europe and America organic changes such as these are freely discussed in the press, in periodicals and books, and on plat-

[1] Buchan, *Life of Lord Minto*, p. 231.
[2] Lord Morley, *Recollections*, II, 173.

forms, the backwardness of education in India makes it impossible to obtain the keen and constructive criticism available in Western countries. Few Indians even of the educated classes can read or converse fluently in a vernacular different from their own. As English is the ordinary means of communication between literate residents in different language areas, details of important discussions often escape the notice of men, well fitted to consider them, who do not know that language.[1] The burden thrown on the permanent official of examining such schemes is thus heavy and frequently causes delay. While this preliminary examination was being made, the congress held its annual session at Calcutta and for the first time passed a resolution asking that the system of government obtaining in the self-governing British colonies should be extended to India. The first steps to be taken were those already described, but the proposal that Indian provinces should be directly represented in parliament was dropped. While the more intelligent Indian politicians were endeavouring to persuade or convince the responsible officials and through them the British parliament that Indians were fit to exercise substantially more authority than had hitherto been conceded to them, a small but active section noisily demanded complete freedom at once, and in the background was a growing number of individuals, feeding their ill-taught minds with tales of oppression, and perverting the minds of youths with distorted history and scraps of religion and social service, in the hope of coercing the government. Advice on revolutionary methods was supplied by Indians in London, and later in Paris. In Bengal, where dissatisfaction had been caused by the partition of the province, dangerous conspiracies were being hatched. The public announcement by Lord Minto in the legislative council in March, 1907, that he had addressed the secretary of state regarding a liberal measure of reforms, was followed very soon by open displays of violence in the Panjab.[2] The position became so serious that later in the year an ordinance was made to regulate the holdings of meetings, which were prohibited, if of a seditious nature, in the Panjab and in Eastern Bengal. The trouble in the Panjab then subsided, while in Bengal it grew secretly, and attempts were made to spread the propaganda in Madras. Evidence of the harm done by violent speeches at public meetings was so strong that in November the ordinance was replaced by an act to enable seditious meetings to be stopped. In the Bombay Presidency riots took place and Mr B. G. Tilak was prosecuted and sentenced to a long term of imprisonment for sedition. It was clear that the criminal law was not sufficient and in June acts were passed giving power to forfeit presses which had been used for incitement to commit certain violent offences, and another to control the use of explosives on the lines of English law.

[1] Speeches made in vernacular at meetings of the congress are or were till recently not reported.

[2] For details of these see chapter xxx.

In December a summary procedure for trial of seditious conspiracies (which were liable to be unduly prolonged under the ordinary law) was enacted, and power was taken to suppress associations formed for unlawful acts. A number of Bengalis were also deported under the emergency regulation of 1818. While these measures were accepted by Lord Morley as necessary, in his private correspondence with the viceroy he showed his dislike for them and expressed his distrust of the bureaucrat whom he believed to be always contemptuous of law and clamorous for the violent hand.[1] With too little regard for the inflammable character of an Indian mob he criticised the sentences passed on rioters in Bombay.[2]

Since August, 1907, when the Government of India had consulted local governments, and through them the public generally, examination of the scheme for reform had continued. Lord Minto's policy as announced in the legislative council when the press and explosive acts were being considered was to remain undeterred by outrages while taking steps to prevent their continuance. His aim had always been to deal, not with ambitions he considered impossible, but to give to the loyal and moderate educated classes a greater share in the government of India. Lord Minto, at this stage, suggested the formation of advisory councils in addition to the legislative councils. To some extent these resembled the first division in the enlarged councils proposed by Lord Dufferin. They were to receive no legislative recognition and no formal powers but would meet when summoned to consider important matters, or the members might be consulted individually. The imperial advisory council was designed to include a number of chiefs, as questions were already arising which affected their subjects and British Indians alike. Other members were to be substantial land-holders, and these with representatives of the smaller land-holders, of industry, commerce, capital and the professional classes were to compose the provincial councils. The scheme was described as in accordance with the best traditions of oriental polity which recognised that "the sovereign, however absolute, should make it his business to consult competent advisers and should exercise his rule in accordance with what, after such consultation, he deems to be the best mind of the people".[3] This part of the scheme was not favourably received. Most of the chiefs declined to sit on a mixed council, and when the Government of India sent its definite proposals to England, it advocated an imperial council of chiefs only. To the scheme for the provinces opinion was more favourable, but was marked by diversity in the matter of detail. It was natural that the professional middle classes, supported also by many land-holders, pressed for a large statutory council, wholly or partly elected so as to represent various

[1] Lord Morley, *op. cit.* II, 257.
[2] Buchan, *op. cit.* p. 276.
[3] Dispatch of 24 August, 1907, para. 4.

interests, and with wide powers of control over the government. Such a project was entirely different from that conceived by the Government of India which, as will be seen, was proposing to extend the powers and constitution of the existing legislative bodies. The final decision was that the head of a province who so desired should form a small council of persons of some distinction and obtain its advice when he wished to consult it.[1]

In arranging for membership of the legislative councils, the necessity of ensuring adequate representation of important interests was borne in mind. Failure of the system of 1892 in this respect was marked. Of the persons recommended by electors for membership of the imperial council 45 per cent. came from the professional middle classes, only 27 per cent. were land-holders and not a single Indian business man had been chosen. It was now proposed to admit twenty-eight members by election, of whom twelve would be chosen by members of the provincial legislative councils, seven by land-holders in the principal provinces,[2] five by Muhammadans, two by the chambers of commerce of Calcutta and Bombay (whose membership is chiefly European) and two by representatives of Indian commerce. A reserve of three seats was kept for nominations of experts or of non-official gentlemen to represent minorities, or special interests.

For provincial councils the scheme was similar. In provinces where education was more advanced, election was to be made by members of the municipal boards in the larger cities, by members of the boards in smaller cities along with members of district boards, by land-holders, by chambers of commerce, by the Indian commercial community, by universities, by Muhammadans, and by representatives of special interests where these existed, such as tea, jute and planting. In both the imperial and provincial legislatures it was proposed to balance almost exactly the number of officials and non-officials, leaving the viceroy in the former, and the head of the province in the latter, to exercise a casting vote. Burma was considered still unsuitable for a system of election, and only one of the non-official members was to be elected (by the chamber of commerce). In most provinces, as Lord Dufferin had suggested twenty years earlier, elected members were to be about 40 per cent. of the total council but in the Panjab the proportion fell to twenty.

Legislative councils as constituted in 1861 were empowered to discuss only bills actually before them. The act of 1892 had merely extended the powers of the members to criticise the budget and in that connection to express their views on any matter without being able to move amendments or to vote. The Government of India now suggested the grant of the right to move resolutions on subjects of public interest, and the right to divide the council on the budget.

[1] Dispatch of 1 October, 1908, para. 75.
[2] For a time one of these was to be nominated and not elected.

Lord Morley declined[1] to sanction any advisory councils, on the ground that the enlargements of the powers and size of the provincial councils would give sufficient scope for the expression of views while heads of provinces would always be able to consult persons whose opinions and advice were valuable. He thought the scheme for a chamber of princes was open to difficulties but promised to consider any further proposals on this matter.

He accepted generally the proposals for numbers and constitution of the provincial councils, with two reservations. While the Government of India wished to allow each interest to elect its own representatives, he suggested an electoral college the members of which, chosen by the various interests, would be of such numbers that a minority if unanimous could be certain of electing its own representatives. He held further, in view of the restrictions on the powers of provincial legislative councils under the act of 1861, that an official majority should be dispensed with in their case, while it should be substantial in the imperial council. Lord Morley accepted generally the proposals for granting more freedom of discussion, and extended these by allowing supplementary questions in addition to the right of formal interpellation granted by the act of 1892. While in its dispatch the Government of India had noted that the effect of its scheme would be to throw greater burdens on the heads of local governments, it refrained from proposing additions to the executive councils already existing until experience had been gained of the working of the new measure, and from recommending new executive councils without the fullest consideration and consultation with the heads of provinces to be affected. The secretary of state, who had already appointed two Indians as members of his own council, and agreed to the appointment of an Indian on the viceroy's council, brushed aside these notes of caution and decided to increase the possible number of three members in Madras and Bombay to four, one of whom should in practice, though not by statute, always be an Indian. And he proposed to take power to form such councils in provinces where none existed. Lord Dufferin's committee had suggested the constitution of an executive council because they anticipated that enlarging the functions of the legislative council would materially alter the character of the administration, while Lord Morley appears to have been more impressed by the desirability of introducing Indian members than by administrative needs.

On 1 November, 1908, the fiftieth anniversary of the queen's proclamation after the Indian Mutiny, a message to the Indian people was published in the name of the king-emperor announcing the extension of representative institutions, and the details were issued publicly shortly after. They were well received in India where the congress welcomed them as a large and liberal instalment of reform,

[1] Dispatch of 27 November, 1908.

and Mr Gokhale in the following budget debate described the authors as having saved India from drifting into chaos. An increase in the numbers of elected members and greater facilities for debate had been so confidently expected that the appointment of Indians to executive councils appeared the greatest novelty. But there was keen debate as to the class of person who would be selected. Active politicians hoped that the choice might fall on them, but feared that men whom they stigmatised as nonentities would be chosen.

The Muslim section of the community was, however, greatly dissatisfied with the suggestion that its representation should be secured by the device of electoral colleges. Muslim and Hindu are divided by differences of religious belief incomparably greater than the sectarian variations of Christianity. Sacrifice of cows and bullocks and the consumption of beef are intensely repugnant to the Hindu. These practices and the clash of processions celebrating religious rites lead to disturbances often accompanied by loss of life. For more than half of the nineteenth century the Muslims had held back from the study of English and thus had not fitted themselves for public life and office. In Northern India especially, where they were numerous and till the break-up of the Moghul Empire had been politically supreme, they clung to their old traditions. A few years before the project for reforms had been launched, their minds had been agitated by a demand of the Hindus in one province that the Arabic character should no longer be used in the courts, and even that the language should be altered. As soon as it was known that organic changes were being discussed (October, 1906), a Muslim deputation approached Lord Minto to press for adequate representation both on local bodies and on the council. They asked that Muslim representatives should be elected by Muslim voters, and that the proportion of Muslim members should not be fixed merely on the basis of the numerical strength of the community. In replying Lord Minto went further than Lord Dufferin had done. He agreed that their position should be estimated, not merely on their numerical strength, but in respect to the political importance of the community and the service it had rendered to the empire. He thought that any electoral representation in India would be doomed to mischievous failure which aimed at granting a personal enfranchisement regardless of the beliefs and traditions of the communities comprising the people of that continent. Previous experience had justified the Muslim apprehension. While they formed 23 per cent. of the total population of British India, only 12 per cent. of the members recommended by election for the imperial council had belonged to this community. In the United Provinces, with 14 per cent. of the population, the Muslims had never succeeded in obtaining a single nominee by election. Some objections were raised by Hindus to the initial proposals of the Government of India for securing Muslim representation on the baseless ground that they

were an attempt to set one religion against another and thus to create a counterpoise to the influence of the educated middle classes. But the final proposals of the Government of India insisted on the importance of adequate and separate representation for this community, part of it to be secured by a separate electorate.

There was little disposition in England to criticise the intended enlargement of legislative councils and of their functions. Speaking on Indian affairs in the House of Lords (30 June, 1908), Lord Curzon described such measures as only carrying out the traditional policy of the British in India, which no one would wish to retard. To broaden the basis of government was the act of a wise statesman. But, referring to the disquieting reports of outrages in India, he pressed that changes should not have the appearance of having been extorted by force, that they should not tend to weaken British rule, and that they should be preceded by a resolute vindication of the authority of government.

Introducing the bill in the House of Lords in December, 1908, however, Lord Morley foresaw that there would be grave discontent with some of his proposals, and sought to avoid it. Every politician or administrator of importance who has had to deal with the method of government in India has deprecated the importation of British institutions without discretion. Lord Dufferin, after setting out his plan, had said:

> From this it might be concluded that we were contemplating an approach, at all events so far as the provinces are concerned, to English parliamentary government and an English constitutional system. Such a conclusion would be very wide of the mark, and it would be wrong to leave either the India Office or the Indian public under so erroneous an impression.

Faced with the unmistakable nature of his own bill Lord Morley assumed the necessity of defending his retention of an official majority in the imperial council, a measure which beyond all others was outside controversy, and he repudiated "almost passionately", as Lord Curzon subsequently said, the intention of mingling East and West.

> If I were attempting to set up a parliamentary system in India, or if it could be said that this chapter of reforms led directly or necessarily up to the establishment of a parliamentary system in India, I, for one, would have nothing to do with it.

On the second reading, however, his deep political convictions prevailed, and he explained more clearly his reasons for suggesting an advance which led obviously in the direction he professed to avoid. Lord Curzon, dealing with his own term as viceroy, described his aim as being directed towards the progress of the people by the removal of abuses, by adopting a just and sympathetic attitude towards them, and by carrying out social reforms.[1] Political concessions were not then in the field. While he was viceroy, he had been pressed at the

[1] Hansard, 23 February, 1909.

instance of an Indian journalist to say that perhaps in fifty years India might be self-governing. After long thought he had declined on the ground that it might embarrass his successor if he raised any hopes or expressed any opinion as to when self-government would come.[1] He criticised those provisions in the bill which went beyond the proposals of the Government of India by giving up official majorities, by enlarging and increasing executive councils, and by appointing Indians to them. Lord Morley defended his scheme with the ardour of a student of political history. Professing as much zeal for efficiency as Lord Curzon he could not believe that any proposals could be true, solid or endurable without concessions. He then quoted Lord Salisbury's warning against the introduction of occidental machinery into India, to brush it aside with the remark that "we ought to have thought of that before we tried occidental education; we applied that and occidental machinery must follow". The elective principle had been introduced (though tentatively) by the act of 1892, and was demanded to bring proposals into harmony with the dominant sentiment of the people in India. It is to be noted that, both at this time and in all subsequent political movements, the Indian politician has shown himself possessed of imitative rather than of critical or constructive faculties, and has never wavered in his demand for a system of government like that enjoyed by the self-governing dominions.

In the House of Lords the clause of the bill giving the government power to create new executive councils was deleted at the instance of Lord MacDonnell, who had himself held charge of three provinces. Arguments against this power, which had not been immediately recommended by the Government of India, and was known to be opposed by most existing heads of provinces, were stigmatised by Lord Morley as "good sound bureaucratic arguments but it was the bureaucratic system they were going to make a breach in".

An overwhelming majority in the House of Commons replaced the clause, but it was again modified in the House of Lords to create a council only in Bengal, where the late Sir Edward Baker, the lieutenant-governor, had asked for it, and in other provinces only after a draft proclamation had lain on the table of both houses of parliament for six weeks and no hostile address to the crown had been carried.

In the House of Commons Earl Percy, who had been under-secretary of state for India, questioned Lord Morley's hope that this measure would induce the more moderate Indian politicians to abandon their dream of colonial self-government. He did not object to enlarging the councils and giving greater power of discussion, which would make them more useful for advisory and consultative purposes. But he opposed the power of initiating legislation, moving resolutions (even though like resolutions in the House of Commons, they were not to bind government) and the creation of non-official

[1] Sir W. R. Lawrence, *The India we served*, p. 233.

majorities in the provincial councils. Mr A. J. Balfour was impressed by the religious dissensions, and though accepting the view that representative institutions were the highest development as yet discovered by the human race in dealing with its own affairs, held that they were suitable only where the population was in the main homogeneous, where a minority was prepared to accept the decision of the majority, and where there was unity of tradition, general outlook, and a broad view of national aspiration. He could not conceive how India would ever be fit for representative government until the whole structure of Indian society underwent radical and fundamental modifications. A few days later his remarks were echoed by an Indian politician.[1] Discussing the ambition to build a united Indian nation, he said:

> Can we expect to achieve that ambition by obtaining political concessions alone? Suppose all the seats in the executive council of the viceroy and those of the governors and lieutenant-governors, when they come into existence, as we hope and trust they soon will, were occupied by Indians—suppose all the members of the supreme and provincial legislative councils were the elected representatives of the people—let us go even further ahead and suppose that we attained the goal of our aspirations, the colonial form of self-government; would all, without purging the many social diseases that your body politic suffers from, convert you into a united Indian nation?

Referring to the millions of ignorant and superstitious masses he said that a handful of great men would never make a nation of them, and "there is no process of legislation or diplomacy by which these millions with all their diversities of caste and creed, could be fused into a harmonious whole...."

The prime minister's defence of the bill followed the lines of Lord Morley's. Adopting almost the exact words of Lord Dufferin's minute, he described it as not revolutionary, but merely an extension and development of institutions which had been many years in operation and the extension of which had always been contemplated. Education and the spread of ideas must more and more associate the people of the country with government. There was a movement in Asia for greater association of the natives of various countries in passing laws and also in holding high executive positions. In England also democratic feeling was strong and could not be resisted.

One topic which, though not affected by the bill, was much discussed during the debates, was the intention to appoint an Indian member of the viceroy's executive council. Lord Morley, when introducing the bill, had announced that if, during his tenure of office, there should be a vacancy, he would feel it his duty to tender to the king his advice that an Indian should be appointed. He supported his opinion by his experience of having had two Indian members on his own council, and thus being in a position to get the Indian point

[1] Pt. Moti Lal Nehru, Presidential address, United Provinces Social Congress at Agra on 11 April, 1909.

of view direct from them. Lord MacDonnell's objection was based on the existence of strong religious dissension. A Muslim could not be appointed unless a Hindu was also added, and a Hindu, unless he belonged to the class against which recent protective legislation had been passed, would command no influence at all among his co-religionists. At a later stage he agreed to the appointment of Indians on the executive councils of the governors of Madras and Bombay which had been in existence for a long period, though he objected to the provisions of the bill which allowed such appointments to be made without requiring the qualification of long service which applied in the case of European members. On the other hand Lord Cromer, arguing from his experience in Egypt, supported the appointment. He described India as in the almost unique position of being the only important country in the world where education was considerably advanced, but which was governed in all essential particulars by non-resident foreigners, and he thought it most desirable to associate Indians with the administration. Earl Percy, having no doubt knowledge of the excellent qualifications of Mr (afterwards Sir S. P. and later Lord) Sinha, went no farther than to press that the appointment should not be taken as implying that an Indian must always be appointed, a suggestion which was obviously futile. Outside parliament there were louder protests, and Lord Minto, whose first desire had been to obtain an Indian colleague, wrote to King Edward at this time urging that Indians, if fitted for high office, should not be debarred by race.[1] Mr Sinha was appointed towards the end of March, 1909.

The statute fixed the maximum number of nominated and elected members at sixty for the legislative council of the governor-general, at fifty in the larger provinces, and at thirty in the case of the Panjab and Burma. The total membership of existing councils thus rose from 124 to 331 and the number of elected members from thirty-nine to 135, with majorities of non-official members (including those who were nominated) in all councils except that of the governor-general. Detailed regulations and rules for elections, and the conduct of business in the legislative councils were to be framed in India, subject to the sanction of the secretary of state, and the provision that they should be laid before both houses of parliament. Some of the principles to be followed in these had already come under discussion, especially the question of Muhammadan representation. Lord Morley's scheme of electoral colleges was strongly opposed by Muhammadans who found it complicated and thought it likely to produce members who would not really be representative. Religious intolerance was greatly increased by misunderstanding and misinterpretation of the proposals. The scheme finally passed gave Muslims a specified number of members in a province based on their numerical proportion, varied in

[1] Buchan, *op. cit.* p. 286, and Lord Morley, *op. cit.* II, 299, 301.

accordance with their political importance, and provided that these members should be elected by Muslim voters only, who had certain qualifications. In other electorates no distinction was made, and it was hoped (though the hope was not in fact realised) that the electors in these would exercise their vote with no religious prejudice.

Great elasticity of detail was observed in arranging elections to represent the other interests. The member for a division was chosen by a system of secondary election. In the first place the members of a municipal or district board met and selected a number of delegates fixed according to the population of the town or district, and all the delegates thus chosen in a division elected the member. Land-holders' representatives were elected in some provinces by land-holders paying a minimum land-revenue, and in others by recognised associations. Where it was not possible to form an electorate, e.g. in the case of Indian commerce in some provinces, the interest was represented by a nominated member. Voting was by secret ballot, and votes were attested in most cases before the district officer, who also prepared lists of voters, subject to claims and objections in constituencies where electoral rolls existed. University members were elected by registered graduates who could vote personally or by sending votes by post.

There was some difference of opinion as regards the qualifications of candidates, and especially in connection with the eligibility of men who had been deported under the regulation of 1818. Lord Morley wished to give power to the Government of India to declare candidates disqualified only after they had been elected, but Lord Minto pointed out that the principles which the political training of years had rendered dear to the people of England were totally unadapted to the conditions of India.[1] A political prisoner who becomes a member of parliament in England after his release in no way threatens the safety of the constitution, while such a person in India might start a blaze. This opinion prevailed and the regulations gave power to the governor-general in council to declare that in his opinion a person was of such reputation and antecedents that his election would be contrary to the public interest. This disqualification and others due to dismissal from the public service, certain orders by criminal courts, and disbarring, could be removed by a similar declaration. In most constituencies a substantial property qualification and the possession of a residence or place of business within the constituency were required. The age-limit was twenty-five years, and women were specifically excluded.

Fears had been expressed that officials who had not been accustomed to public speaking might be embarrassed in the crisp informal debates which were expected to arise out of the permission to put supplementary questions, as happens in the House of Commons. These were, therefore, limited by allowing only the member who had

[1] Buchan, *op. cit.* p. 290.

asked a question to follow it up. Existing limitations on the powers of councils to deal with measures affecting the public debt and revenues, religion or religious rites and usages, military and naval affairs, and relations with foreign or native states were also imposed on the discussion of matters of public interest by way of resolution, and a similar bar was laid on resolutions affecting the internal affairs of native states, matters still being discussed between the Government of India and local governments, and matters which were *sub judice*. There was also a general power of disallowance on the ground that a resolution could not be moved consistently with the public interests or that it should be moved in another place.

An important difference between the budget procedure of England and India existed at this period. While in England the government decided on the measures it proposed to undertake in the budget year and then varied rates of taxation in order to meet the cost of these, in India taxation was not altered for considerable periods, and the annual problem was to make the best use of existing sources of income. Before 1909 estimates prepared for the provinces were submitted to the Government of India, minutely checked and often altered, by the finance department, and incorporated in the budget for the whole country. This was discussed in the imperial council, and extracts relating to provinces in the provincial councils, but no resolutions could be moved and no votes taken. The division of revenues and control over various classes of expenditure between imperial and provincial, which had been subject to periodical changes since the first devolution in 1870, had now become quasi-permanent, and in accordance with the recommendations of the Decentralisation Commission meticulous alterations of the provincial estimates were reduced. In the provinces a draft budget, after examination by the Government of India, which fixed the limit of expenditure on new projects costing more than Rs. 5000 (£350), was discussed by a small committee of the council, at least half the members of which were elected, and their views were considered. The draft for the whole of India was then placed before the imperial council, members of which could move resolutions affecting proposals for new taxation for grants to the provinces, or items of imperial (but not provincial) expenditure. Any changes made were communicated to and a similar procedure was followed in the provincial councils. While in parliament a proposal to increase expenditure is moved by a fictitious reduction, it was provided in India, in order to avoid conventional discussions, that any such proposal must be accompanied by a motion to reduce an equal amount of expenditure in some other part of the budget. This device failed in its object, and was sometimes embarrassing, as the government was not informed beforehand whether the increase or the reduction was the main object of the mover, and it sometimes involved a double debate.

No scheme of reform could stop or appreciably slacken the course of sedition, and a series of outrages occurred throughout 1909. Lord Morley's instincts were in favour of pacification, and as soon as his bill was safely through the House of Commons, he warned Lord Minto that no more suspects could be deported,[1] and later in the year telegraphed to say that the cabinet was unanimous in wishing for the release of men already detained. The viceroy, with a keener appreciation of the movement, resisted, as he pointed out the real effect of the reforms was that they had prevented moderate politicians from joining the minority of extremists whose activities could be repressed only by other methods.

While the general scheme of the reforms as set out in the bill had been highly praised by the moderate politicians in India in 1908, the detailed regulations were the subject of attack a year later in the congress at Lahore. The separate representation of Muslims and the scheme of direct voting aroused jealous comments in a body which chiefly comprised Hindus. In particular, the few cases (not as a rule repeated in later elections) where Muslims were successful candidates in constituencies open to all classes were particularly resented, and, apart from the religious contest, members of the congress were disappointed in not capturing all the seats allotted to representatives of the district and municipal boards. Complaints were also made that the non-official majority was nullified by the fact that it included nominated members. Some of these criticisms were really directed against the objects of the authors of the scheme, which had been to secure a more effective representation of important interests than the act of 1892 had done. Success in this aim was marked, and certainly quickened the political sense of communities to whom public life had been an opportunity for personal glorification rather than for civic responsibility.

[1] Lord Morley, *op. cit.* II, 308–9.

CHAPTER XXXII

POLITICAL MOVEMENTS, 1909–1917

ATTENDANCE at the congress of 1909 in Lahore was much smaller than usual, for a variety of reasons. The effects of the split in the movement after the break-up of the meeting at Surat had not subsided, and the more advanced section of the movement held aloof. In the minds of the moderate leaders there was disgust at the crimes which had been perpetrated during the year and some anxiety as to their effect on future constitutional development. One of the first measures to be placed before the new legislative council of the Government of India was an act to control the press. It had been recommended in a remarkable series of letters written by the rulers of the Indian states in reply to Lord Minto, and the insufficiency of the Newspapers Act of 1908 to control the poisonous flood of seditious publication was abundantly clear from the evidence which had been accumulated about conspiracies to commit murder and armed robberies. Even in 1908, in a debate on that measure in the House of Lords, Lord Cromer had admitted that, though he supported in India the repeal of Lord Lytton's press act of 1878, the experience of twenty-five years had convinced him that a policy of complete freedom had not proved successful in either India or Egypt. A newspaper founded at Allahabad in 1907 had had nine irresponsible editors, four of whom had been convicted under the ordinary law and sentenced to long terms for objectionable publications.[1] The main principle of the new act was supported by Mr Gokhale, who had recently warned students against the attempts made to corrupt their minds. It was challenged by only two non-official members, and passed on 9 February without a division. It provided that the keepers of new presses must deposit security before they opened them, and that this was liable to forfeiture if the press was used to produce seditious matter. Forfeiture entailed cancellation of registration, and, if it were proposed to reopen the press, the security could be doubled. A second offence might involve confiscation of the whole press. Similar powers extended over the publishers of newspapers. Any person against whom an order of forfeiture was passed might appeal to the High Court to set aside the order, and the case was to be tried by a special bench of three judges. This measure checked, though it was too late to stop entirely, the progress of revolutionary activity, which continued to show itself by murders and dacoities in Bengal especially. With the passing of the act the Bengalis who had been interned were released, though one of

[1] Rowlatt Report, para. 120.

them was arrested six months later and convicted with a number of other men of conspiracy, at Dacca and elsewhere, to wage war against the king.

Between Lord Minto and Lord Morley there was now a divergence regarding the method of dealing with the situation. In replying to a suggestion for a general amnesty Lord Minto distinguished such a measure from the clemency of former oriental rulers who were autocrats and summary in their measures. He pointed out that the influence of sentiment and imagination "may bring grateful tears to the eyes of the effeminate Bengali, or it may shock the spirited traditions and warlike imagination of more manly races".[1] It was significant that shortly afterwards Mr Montagu in his Indian budget speech laid stress on the powers of control over the viceroy vested in the secretary of state, and claimed all the credit of the recent reforms for Lord Morley and his council.[2] So deeply had seditious teaching penetrated that the prosecution of the Dacca conspiracy case did not stop the increase in violent crime. Half a dozen cases occurred round Dacca in the second half of 1910, and sixteen more during the next year. In one of the latter the teachers and students of a national school were implicated, and the school library was found to contain books dealing with the lives of Tilak and Sivaji, and a garbled history of the Indian Mutiny.

The list of crimes includes the murders of a witness in the Dacca case and of several police officers. Bengali influence can also be traced in Madras,[3] where a revolutionary movement gathered strength after lectures by a Bengali in 1907, and seditious publications and conspiracies increased. When a newspaper closed at Madras, owing to the conviction of the printer and publisher, it was again issued from Pondichery in French India. The district magistrate of Tinnevelly was shot dead in June, 1911, by a man who had been in touch at Pondichery with Indians trained abroad.

The accession of King George V was marked in India by a durbar at Delhi held by Their Majesties in person in December, 1911. Loyalty to the throne had not yet been questioned by any section in India, and the visit confirmed and illustrated its strength. In a gracious message His Majesty announced that the event of the coronation would be commemorated by certain marks of especial favour and consideration, which were later announced by the governor-general. They were designed to impress the memory of the occasion on the widest possible circles of the Indian public, from the rulers of states, who were excused the payment of succession duties, to the military and civil (subordinate) servants of the government who

[1] Buchan, *Life of Lord Minto*, p. 305.

[2] Mr Montagu quoted from the Statute of 1833 the powers of the Board of Control, which were transferred to the secretary of state by the act of 1858. Mill, however, had described the Board of Control as a deliberative rather than an executive body. Cf. Buchan, p. 309.

[3] Rowlatt Report, para. 153.

received bonuses of pay, and to the masses by special grants for the spread of popular education. Officers, men and reservists of the Indian Army were made eligible for the receipt of the Victoria Cross, which had hitherto never been granted to them.

A further act of great administrative importance, announced in the name of the king-emperor, was the transfer of the seat of government from Calcutta to Delhi, a former capital, whose history stretches back to legendary times. At the same time the presidency of Bengal was to become a governorship, and the territories of the existing provinces of Bengal and Eastern Bengal and Assam were to be redistributed, Assam being restored as a chief commissionership, and a new province being formed under a lieutenant-governor with charge of Bihar, Orissa and Chota Nagpur. As part of this new province had been under council government, an executive council was also appointed.

In the minds of Indian politicians this cancelment of the partition of 1905 counted for more than all the other concessions. Lord Morley, though pressed on several occasions, had declined to reopen it, and agitation had almost died down. It had indeed been regarded more as a local matter than as one affecting the whole of India, and when in the congress of 1906 the delegates from Bengal attempted to extend the boycott of British goods and even association in government work, such as holding the post of honorary magistrate, to other parts of India, protests had been made.[1] Success was, however, treated as a concession to clamour, rather than to reasoned argument, and the Muslim politicians resented the change. For in Eastern Bengal and Assam their co-religionists numbered nearly 60 per cent. of the population, and they had looked forward to holding a more important share in the control of affairs than they were able to secure in other parts of India where they were in a minority. They had also held aloof from seditious activities and had supported the government, and an impression was made that the change was partly due to violence.[2]

The congress of 1910 had elected as president the late Sir W. Wedderburn, whose message had been one of conciliation between officials and non-officials, between Hindus and Muslims, and between moderate reformers and extremists. Though no formal resolution was passed, a Hindu-Muslim conference met, and it was decided to continue attempts to reduce ill-feeling. All hopes of success were, however, extinguished by the action of a Hindu member who, though opposed by his leader, moved a resolution on 24 January, 1911, in the imperial legislative council, asking the government to abolish separate representation, whether in the councils, or in local bodies. This attempt to reduce the security of their political influence embittered the Muslims so much that even their disappointment at the reversal

[1] *Indian National Congress Report*, Calcutta, 1907, pp. 87–9.

[2] "A bitter jest 'No bombs no boons' was passed round among Mahomedans at Delhi." Sir R. Craddock, *The Dilemma in India*, p. 147.

of the partition was not immediately sufficient to make them combine with the Hindus. A marked change was, however, noticeable in their attitude towards the government, and especially in their public utterances and in their newspapers. No Muslim had taken the place of Sir Sayyid Ahmad who had died in 1898, and the younger men educated at his college were beginning to chafe at the restraints imposed by those who remembered his teachings of moderation and sobriety. Their influence in the college was disruptive, and made it impossible for the Government of India to accept the proposals framed to raise its status to that of a university. Affairs in Europe and in Persia had also excited them. The war between Italy and Turkey, the agreement between Russia and England regarding Persia, and still more the Balkan War, had combined to arouse fears that independent Islamic powers were in danger. Muslim opinion varies as to the right to recognition as khalifa, or representative of Muhammad, since the Mongols overthrew the Abbasid line of Baghdad in 1258, and when Selim I of Turkey assumed the title in 1517 Indian Muslims hardly recognised it. When the Moghul Empire of India had been extinguished, however, the fact that a khalifa must enjoy temporal as well as spiritual power led some sections of the Indian Muslims to accept the khilafat of the sultan, and this increased their natural sympathy with co-religionists during the Crimean War, though even devout Sunnis, like Sir Sayyid Ahmad held that the institution had lapsed in 1258.[1] Twenty years later, Lord Lytton wrote to warn Lord Salisbury, after the conference at Constantinople which took place shortly before war broke out between Turkey and Russia, that Indian Muslims were by no means indifferent to the fate of Turkey.[2] In October, 1912, war broke out between Turkey and the Balkan states, and a medical mission composed of Indians was organised at Delhi and dispatched to help the Turks, while the Red Crescent (corresponding to the Red Cross) movement also received support. A society was formed called the *Khuddam-i-Kaaba*, or servants of the Kaaba, which aimed at arousing interest in maintaining the integrity of the Turkish kingdom as responsible for the safety of the sacred places of Islam. Drawing inspiration perhaps from the success of the Salvation Army, it addressed its efforts to the humbler classes of the community, who were invited to become members on payment of a very small subscription, and were excited by inflammatory addresses on the dangers besetting their co-religionists abroad.

An opportunity of testing the powers of agitation soon occurred. Some street improvements at Cawnpore involved the removal of buildings. It was found possible to avoid the demolition of a Hindu temple standing in the middle of a new road which was being opened. Close to it stood a small mosque, and it was proposed to remove an

[1] Sir Verney Lovett, *History of the Nationalist Movement in India*, pp. 282–4.
[2] Lady Betty Balfour, *Letters of the Earl of Lytton*, II, 64.

addition to the original building containing a room and a platform on which ceremonial ablutions were performed. Religious jealousy led to a demand that this should also be spared. Similar constructions, and even whole mosques, had been demolished in the past without complaint, but an agitation was fostered from outside and rapidly grew. Stories of tortures inflicted on Muslims by the Balkan powers were published, and the reoccupation of Adrianople by the Turks in July, after Serbia, Greece and Bulgaria had begun to fight among themselves, encouraged boldness in India. More than a month after the room had been pulled down, a violent mob, after listening to a sermon, rushed to the spot and began to pile up bricks. They attacked the police, who were compelled to fire, causing some loss of life. Agitation in the press was redoubled, especially in Calcutta and Lahore and false rumours were circulated about the facts. Though local feeling had calmed down, these narratives, as is not uncommon, continued to excite people in distant parts of India. Lord Hardinge, the governor-general, was so impressed by reports he received that he decided to visit Cawnpore. There he announced a settlement of the affair, which was in fact in accordance with the original plans for improvement, viz. that the room should be rebuilt over an arcade which extended along the street.

While the rearrangement of Bengal had contributed to the new political activities of the Muslims, its effect on Hindus had not been as sedative as had been hoped. Bengali politicians were gratified, while the lawyers and traders of Calcutta, who had anticipated material loss from the constitution of a new capital at Dacca, felt relief. But to the virus of sedition, spread by the press, and by revolutionaries in some of the private educational institutions with ill-paid staffs, no antidote was afforded by a measure which did not affect the persons engaged in spreading the poison. In December, 1912, a bomb was thrown in Delhi at Lord Hardinge who narrowly escaped with his life, and throughout the next year revolutionary crime in Eastern Bengal was marked by murderous brutality in dacoities committed in order to obtain funds for revolutionary purposes. It has been observed[1] that between 1906 and 1910 prices rose to an extent which had not been known since the Mutiny, and that the literate classes who furnished revolutionary recruits were hit harder than the agriculturists.

In other parts of India the influence of the Bengali revolutionaries showed itself, partly by imitation, and partly by direct incitement. A club modelled on the *Anusilan Samiti* (society for the promotion of culture and training) at Dacca was started at Benares in the United Provinces in 1908 by young Bengali students who are numerous in that city. Its founder aimed at making it a school of sedition, and was instigated by members of the revolutionary party in Bengal. The

[1] Sir Bampfylde Fuller in *United Empire*, 1910, p. 559.

methods followed, however, alienated a number of members who did not approve its political activities and hostility to the government. Subsequently the more active members seceded and formed a fresh association, which throughout 1913 was in close touch with Bengal. In the Panjab the deportations of 1907 had been followed by calm for some time, but the bomb manual prepared in Bengal was received there, and a Panjabi student, who had been in England and had come under the influence of Krishnavarma, started propaganda and then left for America, whence he subsequently attempted to organise *ghadr* (mutiny) in India. Some of his pupils got into touch with a Bengali employed in the United Provinces and organised the spread of seditious literature extolling the attempt on Lord Hardinge's life. A bomb placed by this association near the European Club at Lahore caused the death of an Indian in May, 1913. In Bihar a particularly revolting murder was committed to obtain funds for revolutionary purposes by two youths from Bombay, who had been excited by the inflammatory journals of the Bombay Brahman clique, and by lectures on the Bengal "martyrs".

The working of the new legislative councils was examined in chapter IV of the Montagu-Chelmsford report.[1] One unforeseen result of the enlargement of the non-official element was that it was found necessary to curb the criticism of government measures by officials within the councils, and to prevent provincial governors from using their councils to question orders passed by the secretary of state. Non-official members were able to influence legislation, not so much by debate when bills were actually before the councils, as in the previous discussions, or in select committees. In India it had been customary to publish proposals for legislation as widely as possible and obtain criticisms of these before bills were introduced,[2] and in one province special provision was made to employ members of the council in this manner. The right to move resolutions was freely used and its effect on government action may be estimated by the fact that out of 168 resolutions moved in the imperial council to the end of 1917 about seventy-three were fructuous. Questions were also freely put, though many of these were to elicit information already easily available or statistical information of no real public value.

During this period an attempt was made to constitute an executive council in the United Provinces.[3] Sir John Hewett, the lieutenant-governor, had reported in 1909 that the work coming before him in the United Provinces was not sufficiently heavy to justify the constitution of such a body, and that it would be difficult to obtain suitable Indian nominees, as non-official Indians had little experience of administrative business, though capable men were available. He

[1] Cd. 9109 of 1918.

[2] Lord Curzon (Ronaldshay, *Life of Lord Curzon*, II, 104) disliked this system, as different from what he was accustomed to.

[3] *Parl. Papers* (House of Lords), 1914–16, sessional no. 49 (VIII, 5 *sqq.*).

did not agree with the considerations pressed upon him by the Government of India, which regarded the secretary of state's views as final. The new councils would increase work in some directions, but should relieve it in others, and it was premature to anticipate future needs. After a long experience in the Government of India he could not say that public business was discussed with more discrimination by a governor in council than by a lieutenant-governor without one.

Executive councils were desired by Indian politicians for several reasons. They wished the heads of provinces to be selected from men in public life in England rather than from the Indian Civil Service, and the Decentralisation Commission had pointed out that councils would be necessary if this change was made.[1] Government by council was considered a superior form, and in any case the constitution of a council would admit one or two Indians to new high offices. In reply to a resolution moved in the imperial legislative council, 24 January, 1911, the Home Member said that the practical test was whether the head of the province could cope with the work and the Government of India would not move in the matter while Sir John Hewett was lieutenant-governor.

Two years later a similar resolution was moved in the local council and Sir James (now Lord) Meston, who had followed Sir John Hewett, declined to accept it on the formal ground that his views could not be published until the Government of India and secretary of state had considered the question. In forwarding a report of the debate he took the same view of the state of work as Sir John Hewett. But he thought it advisable to meet the demand on the ground that it would steadily grow and was bound to be conceded in time. Opinion in the Government of India was divided. Three of the civilian members, and (at the time the decision was taken) the commander-in-chief were opposed. One of them pointed out

> that Sir Edward Baker, who was the only lieutenant-governor [in 1909] in favour of having a council, sent up proposals for the distribution of work, which reduced his council to a position subordinate to himself and struggled to retain in his hands powers which the Government of India considered incompatible with council government.[2]

The dissentients were all impressed by the bitterness of feeling between Hindu and Muslim in northern India and by the lack of experience of council government in provinces under lieutenant-governors. The majority considered that council government was a natural consequence of the increase in work and greater complication in administration, and, impressed by Sir James Meston's advice, supported the proposal. This was accepted by Lord Crewe, the secretary of state, and a draft proclamation was laid before both houses of parliament. An address to the crown was, however, carried against it in the House of Lords on 16 March, 1915.

[1] *Report*, pp. 154–5. [2] Minute of Dissent by Sir Harcourt Butler.

Another matter which engaged public attention was the treatment of Indians in the dominions and crown colonies, which had long been a source of grievance, and the position in South Africa was particularly complained of.[1] Before the Boer War it had been the cause of remonstrance with the Boer government. In 1900 and again in 1901 the congress passed resolutions calling attention to the matter, but even after the war crown colony administrations did nothing to remedy the disabilities, which were indeed increased. Restrictions were most severe in the Free State which had completely excluded Indians, and in the Transvaal where they were not permitted to own land and had to live in special localities. In Natal, where the largest population of Indians was found, a licence fee had been imposed on Indians who had entered the colony as indentured labourers, if they remained at the end of their term of service, and on their children as they became adolescent. Political franchise was taken away in 1896 on the ground that it was not enjoyed in India, and there were proposals to abolish the municipal franchise, and to stop licences in order to get rid of all Indians. Cape Colony was more reasonable, and Indians there had fewer grievances though these were still appreciable. In 1907 the new responsible government in the Transvaal passed acts to prevent the ingress of Indians not already domiciled there and to compel registration of all Indian residents.

Mr M. K. Gandhi, an Indian barrister, who had visited South Africa on legal business in 1893 and had remained there to assist his fellow-countrymen in resisting oppressive measures, organised a movement of passive resistance, which he was later to repeat in India.[2] Sympathetic agitation began in India where the discussion of administrative reforms was already exciting men's minds, and the Indian government supported the claims for more liberal treatment. The home government found it difficult to reconcile the undoubted rights of Indians as British subjects, and those of South Africans to whom the Union Act of 1909 gave full powers of self-government. Colonies like Natal had found Indian labour useful in agriculture and unskilled occupations. But the Indian labourer at the end of his term of service was engaging in trade (usually as a small shopkeeper) and in market-gardening where he came into competition with the lower classes of European origin. There was some apprehension of large numbers of competitors arriving, if all restrictions were removed. Most important of all, it was feared that if Indians were admitted freely and obtained the franchise, it could not in time be refused to the indigenous races who would then swamp the predominating influence of the white population.

In 1910 the Government of India decided to stop the recruitment of indentured labour for Natal from the following year. The British

[1] See Keith, *Imperial Unity and the Dominions*, 1916, pp. 202 *sqq.*, where full references are given.

[2] Doke, *M. K. Gandhi*, 1909.

government then pressed the Union to repeal the Transvaal Act of 1907 and to consider milder legislation, which was introduced and passive resistance ceased in 1911. There was, however, long delay and in 1913 Lord Hardinge, the governor-general, spoke publicly on the undoubted grievances of Indians in a manner which was resented, though unreasonably, in South Africa. The same year an act was passed which made admission subject to the ability to read and write in a European language, though it was still possible to declare any person or class of persons unsuitable on economic grounds or on account of the standard or habits of life. There were also limits on the admission of wives or offspring of persons not following a rule of monogamy. Some discussions in 1912 had been attended by Mr G. K. Gokhale,[1] a prominent Indian politician, and the Indians believed that the repeal of the licence tax in Natal had been promised, but this was not in the act. A fresh resort to passive resistance led to serious riots and many prosecutions, followed by a commission of enquiry, which led to some remedial measures.

At the outbreak of the war in 1914 revolutionary activity was still continuing in Bengal, though slightly checked by the active police measures taken against it. Muslims, especially in northern India, had been worked up to oppose the government, and their younger politicians showed a disposition to identify their aims with those of the congress. In March, 1913, indeed, the All-India Muslim League had adopted as its ideal the attainment of self-government of a kind suitable to India, and had been pressed by some members, though without success, to adopt the congress formula of a "system of government similar to that enjoyed by the self-governing members of the British Empire and a participation by them in the rights and responsibilities of the empire on equal terms with those members".[2] The first important event, however, was connected with an agitation differing from these. The *ghadr* movement in America[3] had been widely advertised among Indians in that country by a newspaper bearing the same title as the movement. From the United States it spread among the Sikhs and other Indians in British Columbia, who had a grievance arising from the local immigration rules. Some of them visited the Panjab and at public meetings obtained the passing of resolutions of protest against the rules. Early in 1914 a Sikh who had been in business in Singapore and the Malay states chartered a ship and conveyed 373 Indians to Vancouver. As most of them had not complied with the rules, the authorities forbade their landing. Revolutionary literature which had been conveyed on board added to the resentment caused by the failure of the plan, and the passengers were landed near Calcutta, in September, 1914, in an angry and rebellious spirit. The government had

[1] Mr Gokhale's speech, *Bankipur Congress Report*, 1912, p. 53, gives an excellent account of the Indian side of the controversy.

[2] Appendix B, *Congress Report of 1908*, Madras, 1909.

[3] Cf. p. 579, *supra*.

enacted an ordinance to regulate the ingress into India of emigrants of this description, and provided a train to take the passengers to the Panjab. They refused to enter it, and a riot with loss of life occurred, as many of the rioters were armed with revolvers. Some of those who had escaped, joining emigrants who returned later, then committed a series of violent offences, mainly designed to obtain funds for revolutionary purposes. A Bombay Brahman reached the Panjab in December with offers of Bengali co-operation (including a bomb expert), and a general rising was planned to take place in February, 1915. This was frustrated. By this time forty-five serious crimes had been committed in five months. There was evidence that most of the conspirators were ignorant peasants, who had been corrupted by the movement in America. The Defence of India Act was passed and rules made under it for the summary trial of revolutionary offences by a strong bench of judges, with no preliminary commitment and no appeal, and for the internment of suspects. Though a few offences were committed later, firm action soon had its due effect, and the leading Sikhs, proud of the achievements of their caste fellows at the front, co-operated with the government to restore confidence. Connected with the main conspiracy in the Panjab was a similar movement at Benares, which grew out of the revolutionary club described above,[1] and aimed at co-operation in the general rising planned in the Panjab. It was detected and some of the chief conspirators were convicted.

Just as the political movements in Bengal and Bombay had produced undercurrents of violent crime and sedition owing to the manner in which they had been pushed, so did the ill-balanced khilafat agitation. War against the allies had been declared by Turkey, but even this had no sobering effect on the wilder spirits in India. Their devotion to the khilafat of the sultan was strengthened by the revolt of the Sharif of Mecca, which became known in June, 1915, and they were not moved by his explanation that he had been impelled to it by the action of the young Turks. The allies had guaranteed the sanctity of the sacred places of Islam, but a section of Indian Muslims professed to believe that these were in danger, and the government found it necessary to warn their leaders.

A number of young students left their colleges at Lahore in February, 1915, and crossed the border to join a small body of fanatics in tribal territory who had for nearly a century maintained a spirit of opposition to the British. Some months later a Sikh convert to Islam, who had been attempting to promote sedition in a Muslim religious school in the United Provinces, also visited the fanatics and then proceeded to Kabul. With the help of a Turco-German mission he hatched an absurd plot for overthrowing the British government in India and setting up an alternative government, in which some of the students were to hold high rank. More serious than this was a conspiracy set

[1] Cf. p. 578, *supra*.

on foot by the *ghadr* party in America, who sent emissaries through Bangkok into Burma. There they communicated with two Muslims who had been members of the Red Crescent Society and had been helping in medical aid in Turkey during the Balkan War. An Indian regiment was then corrupted and ready to mutiny, attempts were made to seduce the large force of military police in Burma, and other outrages were planned.

German influence had been at work even before war was declared. As far back as 1911 or earlier, the Indian revolutionaries in America had been in touch with German agents and had been propagating the doctrine that Germany would attack England. After war broke out Indians were employed in propaganda, in attempting to seduce from their allegiance Indian prisoners of war, and in plotting an attack on Burma from Siam. They soon made contact with the Bengali revolutionaries, and schemes were formed to land arms in the Bay of Bengal, or to smuggle arms from the far East.

The rebellion in Ireland at Easter, 1916, once more directed the attention of Indian politicians to that country and an agitation for Home Rule was vigorously pushed by Mrs Besant, the president of the Theosophical Society, and by Mr Tilak. Her publications caused the government of Madras to require security under the Press Act for her press, and later this was forfeited. In September she formally launched a Home Rule League, and the excitement which was caused by her agitation led to the issue of orders under the Defence of India Act, forbidding her to enter Bombay and the Central Provinces. Her movements in Madras and political activities were further restricted in June of the following year.

While the judicious use of the Press Act was effective in stopping the wide circulation of pernicious literature, and the powers given by the Defence of India Act enabled the government to check revolutionary crime, its action was subjected to criticism. A press association for India, which had been constituted in 1915, approached Lord Chelmsford, the governor-general, in March, 1917, asking for the repeal of the Press Act. The arguments were that the law had been enacted as a temporary measure, the necessity for which had passed away, that the safeguards provided were illusory, and that it was oppressive and hindered genuine literary enterprise as well as the proper rights of the press to criticise the acts of the government.[1] Lord Chelmsford had little difficulty in showing how baseless these claims were.[2] When the act was introduced, the hope was expressed that the need for it would not be permanent, but none could predict how long an interval would elapse before public opinion ceased to tolerate an intemperate press. A chief justice, who had called attention to the latitude of discretion allowed to the executive authorities, had also

[1] *Speeches by Lord Chelmsford*, Simla, 1919, I, 248.
[2] *Idem*, p. 266.

said that "a jurisdiction to pronounce on the wisdom or unwisdom of executive action has been withheld and rightly withheld", and though he had been of opinion that any appeal against forfeiture must be illusory, another High Court had held that it was qualified to question the verdict of the local government. The statistics showed how moderate and efficacious action had been. While 143 newspapers had been formally warned once, subsequent warnings were needed less frequently and the security of only three had been forfeited. Of fifty-five presses warned thirteen had had their first security forfeited and only one its second. Not a single order of forfeiture had been set aside by a High Court, though the view taken by the local government of specific articles had not always been upheld. During six years after the act was passed there had been a marked increase in the number of newspapers, periodicals and presses. Lord Chelmsford quoted many examples to show that the baser elements were still extolling political crime in terms which must, in the view of a High Court judge, encourage excitable young men to commit similar offences.

At the Lucknow Congress in 1916 a resolution was moved[1] protesting against the extensive use of the Defence of India Act and the Regulation of 1818, and asking for further precaution against misuse. A year later a committee was appointed by the Government of India to report on the revolutionary movement and to advise legislation to enable the government to deal effectively with it. The committee, which was presided over by Mr Justice Rowlatt, an English judge, and included two judges of Indian High Courts, an Indian lawyer, and a senior executive official, traced the course of criminal conspiracies in a report[2] which for the first time brought before the public the extent to which sedition had been spread. It showed how in Bombay the movement had been largely confined to a single caste, while in Bengal the chief actors had been educated young men of the middle classes. In most parts of India their efforts to gain recruits had soon failed, though for a time they had caused death, injury or loss of property to many Indians, and, if not checked, would have been dangerous to the state. The committee suggested that the ordinary law should be strengthened in a few details, and that wider provisions should be enacted which would cover emergencies, but would not take effect unless the governor-general in council declared the existence of a state of affairs justifying such action. Reluctance in the past to ask the legislative council for unusual powers had allowed sedition to spread till it became a menace, and it was judged wiser to prepare for the future. A committee of two High Court judges who examined in 1918 the records of more than 800 persons detained at that time without trial under various provisions, found that detention

[1] *Congress Report*, Allahabad, 1917, p. 109.
[2] *Sedition Committee Report*, Calcutta, 1918.

was still justified and were able to recommend the release of only six persons. A proposal to shelve the report, moved in the imperial legislative council in September by a non-official member, was supported by only two members.

In January, 1919, two bills were introduced to carry out the proposals of the Rowlatt committee. These suggestions had been condemned by the congress of 1918 at Delhi.[1] The legislation was strongly opposed by non-official members of the council who pressed that it should be postponed for consideration by the councils to be elected under the reforms which are described in the next chapter. A virulent campaign of misrepresentation was set on foot, and the wildest rumours were circulated as to the effects of the new laws The acts were passed, but release from the strain of war and the excitement of a new constitution had an unbalancing effect which led to lamentable riots in Delhi, Ahmadabad, Lahore and Amritsar. Indian politicians were beginning to forget the history of their own country, a long tale of autocracy, interrupted only by periods of anarchy, and in their eagerness to grasp at the share in administration offered under a milder personal rule, they failed to show the restraints that characterise successful democracy.

[1] *Congress Report*, Delhi, 1919, p. 100.

CHAPTER XXXIII

THE REFORMS OF 1919

IN his presidential address to the congress at Bombay in 1915, Sir S. P. (afterwards Lord) Sinha brought to a focus the vague aspirations of Indian politicians which had been quickened by the disturbances of a year's warfare. Few of the members of the congress belonged to the castes which supplied recruits or officers to the army, but all of them admired the deeds of Indian soldiers and pressed for wider opportunities of enlisting and training. A few years earlier, a French writer[1] had noted that the attitude of the British government towards nationalist desires in India was not clearly defined. Sir S. P. Sinha urged with eloquence, and at the same time with moderation, that the goal should be stated, and a reasoned ideal of the future of India set before its youth who had been educated or, as Lord Morley put it, "intoxicated with ideas of freedom, nationality and self-government". Like Lord Morley he believed that a national and inspiring ideal would arrest corrupting influences. At the same time he warned his hearers that the advance towards complete self-government must be along a path which was long and devious. This need for caution and patience was repeated by the president of the All-India Muslim League which in 1915 for the first time met in the same town as the congress, and exchanged visits. Lord Hardinge, who had gained the respect of Indian politicians by his bold advocacy of the claims of Indians to better treatment in the dominions and colonies, had also advised them to study patience in their aspirations towards self-government.[2] To some of the congress speakers who had not yet lost the intoxicating effects of their education these warnings appeared chilling and unnecessary.

Lord Chelmsford succeeded Lord Hardinge as viceroy a few months later and appears to have been impressed, as Lord Minto had been, by reasonable demands made temperately. At the first executive council he held he propounded two questions: "what is the goal of British rule in India?" and "what are the steps on the road to that goal?"[3] Sir S. P. Sinha, quoting well-known aphorisms of American and British statesmen, had asked that Indians might look forward to self-government, and Lord Chelmsford and his advisers speedily came to the conclusion "that the endowment of British India as an integral part of the British Empire with self-government was the goal of British rule". The second question was more difficult of solution.

[1] Chailley, *Administrative Problems of British India*, p. 165.
[2] Sir Verney Lovett, *The Indian Nationalist Movement*, p. 103.
[3] *Speeches by Lord Chelmsford*, Simla, 1919, I, 389.

Foremost among the radical changes suggested by the congress was the grant of provincial autonomy. On the recommendations of the Decentralisation Commission there had been some relaxation of control by the secretary of state and by the Government of India. In their dispatch of 25 August, 1911, recommending the repartition of Bengal, the Government of India had referred to the first demand of Indians for a larger share in government and suggested that the solution would appear to be

> gradually to give the provinces a larger measure of self-government, until at last India would consist of a number of administrations, autonomous in all provincial affairs, with the Government of India above them all, and possessing power to interfere in cases of misgovernment, but ordinarily restricting their functions to matters of Imperial concern.

This momentous suggestion, put forward as an argument to justify the removal of the Government of India from Calcutta where it was closely associated with the government of Bengal, was completely ignored in the reply of the secretary of state. The omission, due no doubt to the urgency and secrecy with which it was necessary to dispose of the other large issues, was unfortunate and had to be remedied later, when Lord Crewe in the House of Lords pointed out that no decision had been arrived at.[1]

Apart from a wish for the abolition or reform of the secretary of state's council, and reconstruction of relations between the secretary of state and the Government of India, the other desires expressed by the congress followed on the lines laid down ten years earlier—expansion, reform, and reconstruction of legislative and executive councils, and a liberal measure of local self-government. Lord Ronaldshay (now Marquis of Zetland) in his *Life of Lord Curzon* has described the proposals of the Government of India (which have never been published in full) as follows:[2]

> In their representations to the secretary of state the Government of India had been careful not to commit themselves to any specific form of self-government. The special circumstances of India, they pointed out, differed so widely from those of any other part of the empire that they could scarcely expect an Indian constitution to model itself on those of the British dominions. All that they contemplated was a larger measure of control by her own people which would ultimately result in a form of self-government and differing possibly in many ways from that enjoyed by other parts of the empire, but evolved on lines which had taken into account India's past history and the special circumstances and traditions of her component peoples. Their proposals for assisting her towards this goal were, briefly, to confer greater powers and a more representative character upon existing local self-governing units such as district (rural) boards and municipal councils; to increase the proportion of Indians in the higher administrative posts, and to pave the way for an enlargement of the constitutional powers of the provincial legislatures by broadening the electorate and increasing the number of elected members.[3]

[1] Hansard, 24 and 29 June, 1912.

[2] Vol. III, p. 165.

[3] This summary agrees closely with a formula drawn up by Sir Reginald Craddock, then Home Member of the Government of India, in 1916, printed at p. 262, Cd. 123 of 1919.

Sir Austen Chamberlain, who was then secretary of state, was sceptical of the value of these proposals. He was not prepared to be more precise in the matter of a formula "than to avow an intention to foster the gradual development of free institutions with a view to self-government". In regard to details he criticised the increase in the number of elected members of a legislative council without giving them any real control. While discussion of the method of advance was remitted to committees in India and in England for examination, the question of a formula was pursued. Mr E. S. Montagu, who had succeeded Sir Austen Chamberlain, produced a draft resembling his predecessor's views,[1] and this was redrafted by Lord Curzon in its final form as follows:

> The policy of His Majesty's government, with which the Government of India are in complete accord, is that of the increasing association of Indians in every branch of the administration, and the gradual development of self-governing institutions, with a view to the progressive realisation of responsible government in India as an integral part of the British Empire.

The formula continues with a statement that progress can be achieved only by successive stages, controlled by the British government and the Government of India, which must be guided by the co-operation received, and the extent to which it is found that confidence can be reposed. Immediately after the announcement of this policy in parliament, a controversy arose as to the interpretation of the phrase "responsible government". Lord Curzon and other statesmen had always accepted Lord Morley's assertion that the scheme of 1909 was not intended to lead to a parliamentary form of government in India, though they feared it would have that effect. A year later, when it was pointed out to Lord Curzon that his formula led in that direction he was shocked, but the conclusion was irresistible. Lord Morley himself, at a later stage, when the new proposals had been developed, saw no objection to them on this account, and admitted that his disclaimer had been due to the difficulty of obtaining the consent of the House of Lords to his own scheme.[2]

While these discussions took place privately at Simla and in Whitehall, Indian politicians were drafting their own proposals. A society known as the Madras parliament[3] drafted a "Commonwealth of India" act which suggested the constitution in provinces of legislative assemblies. Three members were to be elected in each district by persons qualified to vote in elections for local bodies; each chamber of commerce and trades association was to elect two members, and landed proprietors paying land-revenue not less than

[1] Ronaldshay, *Life of Lord Curzon*, III, 167.

[2] See letters to *The Times*, 3 November, 1928 (Sir R. Burn), 9 November (Sir Theodore Morison) and 17 November (Sir R. Burn).

[3] This was connected with Mrs Besant's Home Rule League (chap. xxxii, p. 584), which subsequently split into three, *vide* questions 1439, 1692 and 2142, evidence before Joint Select Committee.

Rs. 250 were to send six members. Considerable minorities were to be represented in proportion to their number. The parliament of India was to consist of 200 members elected half by members of the provincial assemblies, and half to represent the landed, trading, commercial, financial and industrial associations, with a member from each university. Separate representation was to be provided for important minorities. After a period of ten years a more democratic system was to be devised. A cabinet of ten members was to include five appointed by the viceroy and five elected by parliament. Nineteen of the elected members of the Indian legislative council made similar suggestions in October, 1916.[1] In November representatives of the Muslim League and the congress came to an agreement at Calcutta, which was confirmed by meetings of both bodies at Lucknow a month later. This scheme provided a legislative council of 125 in a major province, or fifty to seventy-five in a minor province, four-fifths of the members to be elected directly by voters on a wide franchise. The imperial council was to include 150 members with the same proportion elected, partly by the elected members of the provincial councils and partly direct. Except in regard to certain specified heads of income and expenditure which were reserved as imperial, the provincial councils were to have full control, though the imperial council could deal with matters in regard to which uniform legislation for the whole of India was desirable, and a vague general power of supervision and superintendence was reserved for the Government of India. At the head of each province there was to be appointed a governor who should not ordinarily be a member of a permanent service. Half of his executive council were to be Indians elected by the elected members of the provincial council. All legislative councils were to elect their own president. There was to be more freedom in the putting of supplementary questions, and motions for adjournment were to be permitted. Resolutions passed were to bind the government unless vetoed by the governor in council, and if passed again after an interval of not less than a year were to be absolutely binding. The most striking feature of the scheme was, however, an agreement that Muslims should be represented through special electorates in certain specified proportions, which substantially exceeded their share of the population in provinces where they were in a minority. This was subject to a proviso that they should not, as they did in the Morley-Minto scheme, also have an opportunity of obtaining seats in electorates other than their own. Another qualification was that opposition by three-quarters of the members of either community (Muslim or non-Muslim) to a bill, a clause of a bill, or a resolution affecting that community would block it completely.

A further contribution to the attempts to solve the problem was due

[1] *Speeches and documents on Indian Policy*, II, 116.

to the "Round Table" group of students of politics, some of whom had previously played a part in bringing about the union of South Africa in 1909. When war broke out in 1914 they had been examining the question "how a British citizen in the dominions can acquire the same control of foreign policy as one domiciled in the British Isles". In 1915 they began to examine the case of India, and felt that Indians could not be invested with responsibility for imperial policy until they had some responsible share in their own government; and early in 1916 the late Sir William Duke, who had been a member of council in Bengal, and was then on the Council of India, drew up a note as a basis of discussion. In that he suggested that certain departments and functions might be administered by some form of responsible as distinct from merely administrative government. Mr L. Curtis, a member of the group, arrived in India in the autumn of 1916, and for a year was engaged actively by correspondence and conference in examining and testing this suggestion. Though his intention of forming groups representing all shades of opinion to study the problem was frustrated by the malicious distortion of a phrase in a private letter which had been abstracted and published, his studies attracted much notice. A recent writer[1] has criticised the use of the term "responsible" in the declaration of August, 1917, as vague and capable of various interpretations. Mr Curtis pointed out that an alternative expression "self-government" was used in India in at least four senses, and early in 1917 in a published letter to the people of India he expressed his belief in a policy of the gradual conferment of responsible government, which he defined as meaning that the final authority in Indian affairs will have been transferred to an Indian parliament. His proposal for the immediate future was to begin by constituting elective assemblies with an executive consisting of members able to command a majority in the assembly. As existing provinces had taken shape merely through administrative convenience and contained very large populations often speaking different languages, and even subject to different laws, he suggested that smaller, more homogeneous areas should be carved out, in each of which a responsible government would be formed. Only certain functions of government, for example, public works, primary education, local self-government, etc., would be entrusted to these bodies, and the rest would remain under the control of the old provincial governments, to be transferred gradually and not necessarily at the same rate in all areas. The general outlines of this scheme were commended in an address from a number of influential Europeans and Indians to the viceroy and secretary of state, towards the close of 1917. It was, however, not approved by the congress, which then met at Calcutta and reaffirmed its desire the plan it had passed a year before, with complete provincial autonomy and half the executive councillors of the viceroy elected;

[1] Sir R. Craddock, *The Dilemma in India*, p. 169.

The resolution urged strongly that while this first instalment should be granted at once, the statute to be passed should also lay down an early time-limit within which full responsible government should be granted, without even the slender precautions included in the congress plan.

Instead of appointing a royal commission to take evidence and draft proposals for carrying out the reform briefly announced in August, 1917, the government deputed Mr E. S. Montagu, secretary of state, with a small committee (the Earl of Donoughmore, Sir William Duke, Mr Bhupendranath Basu and Mr Charles Roberts, M.P.), to consult the Indian Government and politicians. Such a method has the obvious defect that it prevents the public discussion of matters which are complicated and benefit by ventilation, and criticism, among men of widely different temperaments. On the other hand it produces a scheme more quickly, and, the ground having been prepared, a report was signed by Lord Chelmsford and Mr Montagu within six months from the date on which the latter arrived in India. It contains an admirable account of political conditions in India, coloured in parts by optimistic hopes of the effects of democratic experiments on a collection of people divided by race, sect and religion, who from time immemorial had known no method of rule but autocracy before the cautious association of Indian with British legislators which has been described. The report analysed the meaning of responsible institutions as Mr Curtis had done, and suggested that the first step to be taken was to introduce partial responsibility in the provincial governments. The Government of India was to remain, as it had been hitherto, responsible through the secretary of state to the British parliament, though measures were suggested to give greater opportunities for independent criticism of its actions and projects. In many respects the congress scheme was held to be unsuitable. Full provincial autonomy was premature. Election of members of the executive council by the legislative council was without any reputable precedent, and their responsibility to the electors in constituencies could be secured in other ways. The proposal to give to the councils complete control over provincial finance and legislation was impossible until the executive was entirely responsible to them. To make a government amenable to resolutions amounted to controlling the executive by direct orders on points of detail, and would lead to confusion.

If responsibility in provincial governments were to be clear from the beginning, two methods were possible, excluding the congress scheme, which demanded a complete grant. Mr Curtis's scheme set up legislatures with executives responsible to them which were to deal with specified functions in the areas under their control, other functions being performed by the old provincial governments. The report objected to this as likely to lead to excessive friction and to prejudice.

It therefore suggested that the head of each province, who was to be a governor in all cases, should have an executive council consisting of two members, one of whom should invariably be an Indian. The governor in council would deal with certain reserved functions of the government. Other subjects would be transferred to the governor acting with one or more ministers chosen from the elected members of the legislative council. It was not intended that in relation to his ministers the governor should at once occupy the position of a purely constitutional governor, bound to accept their decision, but he was expected to refuse assent to their proposals only when the consequences of acquiescence would be serious. A hope was expressed that the executive would cultivate the habit of associated deliberation, and would present a united front. Such discussion might in fact be compulsory as a decision on either a reserved or a transferred subject could affect the part of the government which was not concerned with the decision. A list attached to the report suggested subjects which might be transferred, the most important being taxation for provincial purposes, local self-government, education (except university), medical and sanitary, agriculture, public works (except major irrigation works), and excise.

In addition to this vital change in executive government, the report suggested large increases in the non-official membership of the legislative councils, with direct elections wherever possible. Separate (communal) representation was condemned as inconsistent with democratic government, though it was to be tolerated in the special case of Muslims. Lord Morley's disclaimer of an intention to pave the way for a parliamentary system in India was haltingly explained as due to his insistence on the sovereignty of the British parliament and his acceptance of Lord Minto's advice that only limited constituencies and indirect franchises were possible, and it was admitted that the reforms of 1909 moved towards the stage at which a question of responsible government was bound to present itself. More freedom to local bodies was recommended, and parliament was warned that the grant of greater freedom to governments in India would involve a relaxation of its own control.

Published in England and India in July, 1918, this report drew much criticism. The moderate politicians and the big land-holders were the only sections to approve of the dual principle in provincial governments. The former also asked that the same system should be introduced in the Government of India, and the latter claimed special representation for themselves, and that further progress should be directed to changing the status of leading land-holders to that of ruling chiefs. Extreme politicians held by the congress scheme, and desired full responsibility in the provinces, with the governor a purely constitutional official in relation to his ministers. Official opinion which was strongly opposed to the system of dyarchy (a term revived to

apply to the dual form of provincial government) has often been misrepresented as a reluctance to give up place and power. It was due to the natural pride of a body of men in charge of a complicated machine of government to the perfecting of which they had devoted the best part of their lives, and which they honestly believed to be endangered if its working were abruptly transferred to inexperienced hands. Even in the transition stage they believed that the proposals would establish an oligarchy which would not in the most favourable conditions work smoothly with the official side. The heads of provinces, some of whom had severely criticised dyarchy, were summoned to Delhi to formulate an alternative scheme, and five of them in January, 1919, signed a minute formulating it. On the vital question of dyarchy the opinion was expressed that the report had improperly emphasised the doctrine of responsibility, and that it was more correct to put an increased association of Indians in the foreground, as could be inferred from the wording of the announcement of August, 1917. The alternative suggested was an executive council with an equal number of officials and non-officials, the latter to be selected from elected (in the Panjab also from nominated) members. There was to be no division of functions, and government would thus be unitary, it being left to the governor to distribute portfolios among the members of his executive council. Such a scheme, as was admitted in the minute, fixed no responsibility on individual members. It provided for later expansion only by increasing the number of functions entrusted to non-official members, by increasing the number of the latter class, and by gradual disuse of the arbitrary powers of overruling his council entrusted to the governor in both schemes during a transition period. The crux of the problem was thus the meaning of the announcement. Two heads of provinces (Lord Ronaldshay and Sir E. A. Gait) felt that to reject the wider interpretation in the report would be treated as a breach of faith and therefore accepted it as the most reasonable scheme which had been suggested. Both the Government of India[1] and the home government, which had issued the declaration, held strongly that it was essential to begin the fixing of responsibility, and preferred the dual scheme of the report to the alternatives suggested.

Vague statements in ancient texts have sometimes been relied on to show that Indians were not unused to personal representation by election. Among the lower castes of Hindus social and religious questions affecting a particular caste, or more often a section of it, are frequently decided by a small popular assembly of the caste or section. Headmen of villages, or parts of villages, who in North India collected the land-revenue and arranged for the necessary expenses, were also chosen by the people themselves. But the matters thus arranged were circumscribed and of a personal rather than a civic

[1] Cd. 203 of 1919, p. 1.

nature. The caste council is judicial, and the headman the managing director of a company. In the various systems of government which the British found working in the eighteenth century, there was no element of popular government in the occidental sense. Local self-government had since made a beginning, and the direct election in a few constituencies under the Morley-Minto scheme, especially those of Muslims, had given a little experience. In accordance with a suggestion in the report a special committee, presided over by Lord Southborough, toured in India to enquire into the framing of constituencies and the settlement of franchises. Proposals were placed before this committee by the local governments, based on the material conditions of the population and on the facilities for polling which varied widely. In rural tracts the object was to get the substantial well-to-do peasant as a voter, and the franchise varied from province to province or even within a province. For certain classes, and in particular the lowest castes, it was found impossible to arrange by election, and one limitation on the franchise was the need for framing it so that votes could be polled by the staff available.

A bill embodying the scheme of the report was introduced and examined by a joint select committee of both houses of parliament from July to October, 1919, presided over by Lord Selborne. It examined[1] about seventy witnesses representing various shades of opinion and thus to some extent remedied the previous defect in publicity.[2] In a report of great value the committee pressed strongly the argument that a generous opportunity must be given to the people of India of learning the actual business of government and of showing, by their conduct of it, to some future parliament, that the time had come for further extension of power. The act was quickly passed and became law on 23 December, 1919.[3] It changed the status of the heads of the United Provinces, the Panjab, Bihar and Orissa, the Central Provinces and Assam from that of lieutenant-governor to governor, and provided an executive council for each. Though no change was made in the maximum number of members admissible (four) it was understood that ordinarily there would be only two, and it was provided that only one instead of two must have been for at least twelve years in the service of the crown in India, so that the other could be an Indian. Responsibility was partially introduced in the provinces, as suggested in the report, by giving the governor power to appoint from among the elected members of his legislative council one or more ministers, to hold office during his pleasure. Rules could be made dividing the functions of government for two purposes. One was the distinction of subjects into "central", which were controlled

[1] Cd. 97 (1919) and Cd. 203 (1919).

[2] Lord Sydenham, a member of the committee, has pointed out (*My Working Life*, p. 370) that no Indian who could not speak English was called, so that the rural and working classes, the land-holders and fighting races were not heard.

[3] 9 and 10 Geo. V, c. 101.

by the Government of India, and "provincial", while the other divided provincial subjects into "transferred", which were placed in the control of the governor acting with his ministers, and "reserved", which were to be disposed of by the governor in council. In the reports both of Mr Montagu and Lord Chelmsford (para. 221) and of the joint select committee (clause 6) the greatest possible stress was laid on the necessity for joint deliberation by the two parts of a provincial government. However careful the separation of transferred and reserved subjects may be, some overlapping is inevitable. Thus a restrictive policy of excise (transferred) may raise serious questions of law and order (reserved). Even where there is no such intimate contact, free discussion between experienced officials and ministers in close relation with the elected members of the legislative council was likely to lead to accommodation. Where it was doubtful into which category a topic fell the decision was to be made in accordance with rules. After discussion, however, the order issued was to bear on its face a clear indication showing that it was the decision of the governor in council or of the governor acting with his ministers. So far as public action in the debates of the legislative council was concerned, the select committee advised that members of the executive council should act together, and similarly ministers should act together. Where both sections of the government were in agreement members and ministers should be free to speak and vote for each other's proposals. There should, however, be no compulsion on a member or minister to support by speech or vote a proposal made by the section to which he did not belong, if he disagreed with it.

Important changes were made in the matter of supply and legislation. As explained elsewhere,[1] an Indian budget at this period did not require an annual finance bill as in England, because rates of taxation were altered, especially so far as they affected provincial revenues, only at comparatively long intervals. Discussion in the legislative council was thus chiefly concerned with a proper allocation of existing revenues. From the enlargement of the popular element in these provincial bodies, larger demands for expenditure, especially on the transferred subjects, were inevitable, and two problems arose for decision. The first was the question whether provincial revenues should be definitely allocated between the reserved and transferred sides, forming what was called in the later discussions "the separate purse", or whether the purse should remain joint, and the needs of each side of the government decided annually. Mr Montagu and Lord Chelmsford favoured the latter method (para. 256) while the Government of India were strongly in favour of a separate purse,[2] such as had been familiar in India as between the central and provincial governments. Indian non-official witnesses, before the joint select

[1] P. 572, *supra*. [2] Cd. 123, p. 28.

committee, preferred the joint purse and it was suggested[1] that this was because they hoped that through it the ministers could exercise more influence over the reserved subjects. Briefly the question was whether greater acerbity would be caused by a public division of funds for a term of years, or by an annual discussion within the government. Faced by this difficulty the committee recommended a joint purse, holding that ordinarily common sense and reasonableness would bring about agreement.[2] If the governor at any time found serious disagreement between his executive council and the ministers, he was to have power to make an allocation. This, however, was to be made, not by a division of sources of revenue, but by apportioning definite fractions of the total receipts and the balance. The committee emphasised a warning that the budget should not be capable of being used by ministers or a majority in the legislative council to direct the policy on reserved subjects. The decision in favour of a joint purse was unfortunate. Indian popular opinion has always regarded the treasury as containing unlimited funds, which would be made available if the jealousy of its guardians permitted, and the sense of responsibility would have been quickened by a definite provision of sources of income, with the knowledge that, if they did not suffice, fresh taxation would be necessary.

The second problem was that of the responsibility for new taxation. In the report (para. 257) it was suggested that after any contribution payable to the Government of India had been set aside, and full provision made for the reserved subjects, the balance should be at the disposal of the ministers. If it were not sufficient, the onus would lie on ministers to suggest new taxation. The Government of India showed that this might bring about the impossible situation that ministers would have to propose taxation which was really required for expenditure on reserved subjects although they did not approve of it, the alternative being that the transferred subjects in which they were deeply interested would not receive the funds they needed. This was, in fact, one of the chief arguments in favour of the separate purse. The matter was not discussed by the select committee which appears to have covered it by expressing general confidence in good will, and the recommendation that power should be taken to make a division of funds in case of need.

There remains the question, how the executive government of a province was to secure the passing of legislation or the voting of supplies which it considered necessary for the reserved services. Various alternatives are discussed in the joint report (paras. 247–53), such as the passing by the Indian legislature of bills rejected by a provincial legislature, or the making of ordinances by the governor-general, alone or in council, or by the provincial governor. All these were rejected as savouring too much of the autocratic methods which

[1] Question 7002. [2] Clause 1.

were being superseded. Where a governor had doubts of his ability to get through the council a bill dealing with a reserved subject which was of importance, he was to certify that it was a measure "essential to the discharge of his responsibility for the peace or tranquillity of the province or any part thereof, or for the discharge of his responsibility for the reserved subjects". Such a bill after introduction and discussion would be automatically referred to a grand committee numbering 40 to 50 per cent. of the council and partly elected by the elected members of the council. The governor would have power to nominate a bare majority, exclusive of himself, but not more than two-thirds of the nominated members could be officials. Although most of the governments in India approved of this scheme, it was strongly opposed by the government of Madras which pointed out that the non-official nominees of the governor would be subject to strong pressure by opponents of a measure and would be in a most difficult and invidious position.[1] It suggested that where a bill of vital importance was rejected or modified, the government should have power to return it to the legislative council for reconsideration, and subsequently the governor might set aside amendments which were not acceptable to him and declare the bill to have passed. The late Lord Carmichael, who had been governor of Victoria, and of two presidencies in India, strongly supported this method[2] of fixing responsibility on the governor personally, instead of using the obnoxious official *bloc* with additional nominees of uncertain stability, and the joint committee accepted the change (clause 13). Similarly it suggested that the governor should have power to restore a provision for a reserved subject in the budget which the council had reduced and which the governor considered essential for proper administration (clause 11). And it recommended that the governor, if so advised by his ministers, would be justified in asking the council to review an alteration in the provision for a transferred subject.

In the Government of India no measure of responsibility was introduced. The executive council consisted of six ordinary members and the commander-in-chief. Of the ordinary members three must have had ten years' service under the crown in India and one must be a barrister of five years' standing. The joint report suggested the abolition of these statutory limitations, to secure elasticity, and also the early appointment of a second Indian as member, which was possible without legislation. The joint committee removed the limit on the total numbers, retained the official qualifications for at least three members, and widened the legal qualification by making it include lawyers who were pleaders of a High Court in India. It also thought that not less than three members of council should be Indians.

In addition to their proposals for admitting Indians more freely to

[1] Cd. 123, p. 163. [2] Questions 5689–95.

the executive government, the authors of the joint report desired to provide greater opportunities for discussion in a popular assembly. They attached considerable importance to this as paving the way for social legislation which might impinge on religious matters, and in the past had always been undertaken with reluctance by the alien government. With this object they suggested an enlargement of the legislative council (now called the legislative assembly) and the addition of a new chamber called the Council of State. As two-thirds of the former body was to be elected, it was necessary in the Government of India also to provide for the case where vital government measures or supply had been denied. It was proposed to do this through the council of state, which was to include only twenty-one elected members out of fifty, with officials up to twenty-five and four non-official nominated members. Government bills were ordinarily to be introduced and passed in the assembly and then go to the council of state. Amendments made by the latter which were not accepted by the assembly were to be discussed by a joint session of both houses. If the assembly refused leave to the introduction of a bill, or rejected one, the governor-general in council might certify that the bill was essential to the interests of peace, order or good government. It would then be introduced in the council of state, and, when passed there, become law without further reference to the assembly. Lastly to save time in an emergency a certified bill might be passed into law in the council of state alone, and merely reported to the assembly.

While provincial councils were to pass budgets, subject to the power of the governor to restore grants for reserved subjects, the imperial legislature was to be empowered only to pass resolutions which were not binding, though they would have enhanced significance from the wider representation in the assembly compared with the former legislative council.

These devices appeared to the joint committee as objectionable as the similar methods proposed in the provinces. It increased popular representation in the council of state and proposed that it should be a real second chamber (clause 18), while reserving powers of certification, for both finance and legislation, to the governor-general in council where necessary for the discharge of his responsibility (clauses 25 and 26).

The legislative councils as framed by the act contained more than twice as many members as those of the old councils, the number ranging from 111 to 125 in the four larger provinces and from fifty-three to ninety-eight in four others. These numbers might be enlarged by rules, subject to the provision that not more than 20 per cent. should be official members and at least 70 per cent. should be elected. The council of state contained sixty members of whom not more than a third might be officials, while the legislative assembly had 140, of whom 100 were elected and twenty-six officials, and, if the number

was increased, the same proportions should be maintained. With these increases in numbers and responsibilities, it was decided that the governor-general or head of a province should no longer preside over his legislature. The governor-general appointed a president of the council of state from among its members. Presidents of the legislative assembly and the provincial councils were first appointed by the governor-general or governor for a term of four years, but were afterwards to be elected by the members. The recommendation of the joint committee that the first president of the legislative assembly should be a person "qualified by experience of the House of Commons and a knowledge of parliamentary procedure, precedents and conventions" (clause 20) was accepted, and a similar appointment was made in the legislative council of Bengal.

Most of the proposals of the franchise committee were accepted by the joint committee. It demurred, however, to the suggestion that non-official members of both the council of state and legislative assembly should be elected by the same group of persons and it preferred direct election to the latter instead of indirect (clauses 18 and 19). Separate (communal) representation was condemned in the joint report as contrary to the principles of responsible government, without precedent except in a few minor states, and bad because it encouraged members of a state to think of themselves primarily as citizens of any smaller unit than itself, and tended to stereotype existing relations (paras. 227–9). Reluctantly the authors acquiesced in the principle so far as Muslims were concerned, because of the arrangements made in 1909 (which they regretted), the agreement between political leaders in the Lucknow Congress of 1916, and because they knew that Muslims were anxious about their position under a system of popular government (para. 231). Though history affords few precedents for such a system, it has many to show that minorities not so protected have remained for long periods with no representation. Besides the Muslims other communities urged their claims. In Madras it was shown that Brahmans, who numbered only 3 per cent. of the population, had almost monopolised representation and occupied three times as many of the higher posts in the services as other Hindus and more than all other communities together. The select committee recommended that seats should be reserved for the non-Brahman Hindus in Madras and for the Marathas in the Bombay Presidency who had also failed to secure representation.[1] They also suggested that rural areas and the depressed classes should receive a larger share than was allotted by Lord Southborough's committee. Female suffrage, which they rightly pointed out went deep into the social system and susceptibilities of India, was left to be decided by the legislative councils when they were constituted.[2] Disqualifications

[1] The rules drawn up in the Panjab also reserved seats for Sikhs in that province.
[2] Female suffrage was gradually voted by the councils.

(as has been shown in chapter XXXI) had been a source of much discussion, and their application to individuals had caused much soreness, while exemption had been an invidious task. It was now proposed that dismissal from government service should no longer be a bar, but that a criminal conviction entailing a sentence of more than six months' imprisonment should disqualify for five years from the date of the expiration of the sentence. As suggested by the franchise committee, a residential qualification for a candidate in his constituency was imposed only in the provinces of Bombay, the Panjab and the Central Provinces.

These organic changes in the governments in India involved altering their relations with the secretary of state in council. It was pointed out in the joint report (para. 291) that delegation to responsible ministers implied that parliament must set certain bounds to its own responsibility for the internal administration of the country, so far as transferred subjects were concerned, and might reasonably sanction delegation in regard to reserved subjects. A committee, presided over by Lord Crewe, examined these questions. Indian politicians had often criticised the secretary of state's council on the ground that the retired officials were usually opposed to reforms. Lord Crewe's committee suggested that this body should become purely advisory, and that one-third of its members should be chosen by the secretary of state from persons domiciled in India, whose names had been placed on a panel by the votes of non-official members of the Indian legislative council. The secretary of state, no longer bound as in the past by the votes of the council in questions of finance, would refer to it what matters he pleased. While hitherto his previous sanction had been required in all important new departures and in certain specified cases, a principle of previous consultation should be substituted. Joint approval by the Government of India and a majority of the non-official members of the legislative assembly should ordinarily carry with it, in either legislative or administrative action, the assent of the secretary of state unless he felt that

> his responsibility to parliament for the peace, good order and good government of India, or paramount considerations of imperial policy, required him to secure reconsideration of the matter at issue by the legislative Assembly.

The select committee (clause 31) held that no statutory change should be made so long as the governor-general remained responsible to parliament, but it was in favour of a growing convention that the secretary of state might "reasonably consider that only in exceptional circumstances should he be called upon to intervene in matters of purely Indian interest where the government and the legislature of India are in agreement". Protective tariffs had long been asked for in India, and, in the dislocation of finance caused by the late war, changes of a protective character had been made in the

customs-duties. The committee recommended this case specially as one for relaxation of control, to remove the suspicion, sometimes justified in the past, that India's fiscal policy was subjected to the interests of British trade. The only remedy was to grant liberty to devise tariff arrangements which seemed best fitted to the needs of the inhabitants of India, both consumers and manufacturers, as an integral part of the British Empire. Control over transferred subjects was to be restricted to the narrowest possible limits, and the convention of deference to combined agreement between the government and legislature was ordinarily to be extended to reserved matters in the provinces.

So far as the Council of India was concerned the committee did not favour abolition (clause 3). Advice would still be needed, and a formal council was preferable to an informal one. It was, however, suggested that the Indian element should be increased and the term of office shortened to ensure a constant flow of fresh experience from India and to relieve Indian members from long exile. In accordance with these recommendations the number of members now varies between eight and twelve, half of whom must have served or resided in India for at least ten years, and have not left India more than five years before the date of their appointment. Their tenure of office is five years, though reappointment for a similar term is possible, the special reasons of public advantage which justify this being recorded and laid before parliament. A member who at the time of his appointment is domiciled in India receives a special allowance of £600 a year in addition to the ordinary salary of £1200. Slight changes were made in the powers of the secretary of state to arrange the conduct of business in his council, but the drastic alterations proposed in 1914 (see chapter XI) to enable the secretary of state to withdraw many classes of questions from his council were not pursued.

Lord Crewe's committee had, however, recommended that those functions performed by the secretary of state in council which were akin to the duties of high commissioners of the self-governing dominions, should be arranged for separately, and a high commissioner was appointed for India in October, 1920. The debit to India of the salary of the secretary of state had long been a grievance, and the act laid down that it should now be paid out of moneys provided by parliament, while the salaries of his under-secretaries and any other expenses of his department might also be met in the same way.

It was clearly impossible for parliament to legislate in full detail for all the numerous matters which required legislation. The act therefore provided that many of these should be governed by rules. Although these were to be made by the secretary of state, or by the governor-general in council with the former's sanction, they were to be brought to the formal notice of parliament. The most important class of rules, by which the powers of superintendence, direction and control over the Government of India, vested in the secretary of state

(with or without his council), might be regulated or restricted, required the previous sanction of both houses of parliament, if they affected subjects which had not been transferred to popular control in the provinces. Rules for the classification of subjects as central or provincial, for fixing the size of legislative bodies and governing the qualifications of members, franchise and elections, or for the conduct of business in these bodies, must be laid on the table in both houses, and if an adverse address is passed by either house His Majesty in council may annul them. Other rules that must be laid for information include those for admission to the Indian Civil Service, and for appointment to that service of persons domiciled in India, or for laying down the qualifications of persons domiciled in British India and born of parents habitually resident there who may be appointed to fill posts ordinarily reserved for the Indian Civil Service.

None of the constitutional changes made in other parts of the British Empire had, in Lord Selborne's opinion, been more important than these reforms in India.[1] The size of the country, its vast population with complexities due to divisions of caste and religion, the rule by foreigners who made no attempt at assimilation, and the absence of indigenous representative institutions, were factors which combined to suggest caution and the need of full control over the experiment. It was therefore provided that at the expiration of ten years a commission should be appointed to enquire into the working of the system of government, the growth of education, and the development of representative institutions in British India, and to report whether and to what extent it was desirable to establish the principle of responsible government, or to extend, modify or restrict whatever degree then existed. An attempt to ensure more concentrated attention on Indian topics coming before parliament was made by appointing Indian standing committees. The royal proclamation issued on the passing of the act contained a recognition of the magnitude of the experiment, fortified by reliance on the good will and honest purpose of all who would have to deal with it.

> The path will not be easy and in the march towards the goal there will be need of perseverance and of mutual forbearance between all sections and races of my people in India. I am confident that these high qualities will be forthcoming. I rely on the new popular assemblies to interpret wisely the wishes of those whom they represent and not to forget the interests of the masses who cannot yet be admitted to franchise. I rely on the leaders of people, the ministers of the future, to face responsibility and endure misrepresentations, to sacrifice much for the common interest of the state, remembering that true patriotism transcends party and communal boundaries, and, while retaining the confidence of the legislatures, to co-operate with my officers for the common good in sinking unessential differences and in maintaining the essential standards of a just and generous government. Equally do I rely upon my officers to respect their new colleagues and to work with them in harmony and kindliness; to assist the people and their representatives in an orderly advance towards free institutions; and to find in these new tasks a fresh opportunity to fulfil, as in the past, their highest purpose of service to my people.

[1] Questions 4077–83, Cd. 97 (1919).

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CHAPTERS III and XV

DISTRICT ADMINISTRATION IN MADRAS, 1818–1918

Unpublished Documents

The chief documents are the revenue and judicial proceedings of the Madras government, preserved in the Madras Record Office and in the India Office, and the proceedings of the Madras Board of Revenue. Many of these have been printed but not published. These include early settlement reports of great value, and the annual reports of the Board of Revenue. The Madras records have been fully catalogued. For the papers at the India Office, see Sir William Foster's *Guide*.

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Torture, 1854–5, vol. XL.
Report of the Police Commission, 1905, vol. LVII.
Report of the Indian Excise Committee, 1907, vol. LVIII.
Report of the Decentralisation Commission, 1909, vols. XLIV–XLVI.
For the parliamentary enquiries of 1833 and 1853, see p. 605, *supra*.
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CHAPTERS IV and XIV

DISTRICT ADMINISTRATION IN BOMBAY, 1818 1918

UNPUBLISHED DOCUMENTS

The chief source consists of the papers in the Revenue Department of the Bombay Government proceedings for which see Foster's *Guide*.

PUBLISHED DOCUMENTS

Parliamentary Papers. Apart from the proceedings of the select committees of 1833 and 1853 (see p. 605, *supra*), the chief item consists of papers relating to the Inam Commission, 1857 (session 2), vol. XXIX. See also the reports of the Excise Committee, Indian Police Commission and Decentralisation Commission (p. 608, *supra*).
Annual Administration Reports of the Bombay Presidency, 1858–9 to 1918–19.

Selections from the Bombay Records include among other items:
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chapters v and xvi

DISTRICT ADMINISTRATION IN THE UNITED PROVINCES, CENTRAL PROVINCES AND THE PANJAB, 1818–1918

Unpublished Documents

The official records of the Government of India and of the various provincial governments form an immense mass of material. Copies transmitted to the home government are described in Sir William Foster's *Guide* down to 1858. Printed press lists are available for the records of the provincial governments.

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Minute by Dalhousie, 28 February, 1856, on his administration, 1856, vol. xlv.
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Reports of the royal commission appointed to examine the proposals of the Indian Law Commission, 1856, vol. xlv.
Memorandum of John Stuart Mill on the Indian administration, 1857–8, vol. xliii.
Report of Col. Baird Smith on famine in the North-Western Provinces and the Panjab, 1862, vol. xl.

Papers relating to the sale of waste land and to the redemption of the land revenue, 1862, vol. XL.
Papers relating to the administration of Oudh, 1865, vol. XL.
Papers relating to irrigation work in India, 1866, vol. LII; 1867, vol. L.
Papers relating to the Panjab Tenancy Act, 1870, vol. LIII.
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Report of the Indian Police Commission, 1905, vol. LVII.
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CHAPTERS VI and XIX

EDUCATION AND MISSIONS

UNPUBLISHED DOCUMENTS

The proceedings of the various Indian governments occur first in the public and general, and later in the educational, departments. For these the reader should consult Sir William Foster's *Guide* up to 1858. The early records of the various missionary societies which carried on educational work in India also throw much additional light upon early educational activities.

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CHAPTER VII

SOCIAL POLICY

Unpublished Documents

The main source of information lies in the papers of the East India Company and its governments preserved at the India Office and in the Indian record offices of Delhi, Madras and Bombay. The subject was dealt with mainly in the judicial departments of the Indian governments. The reader should consult Sir William Foster's *Guide* and the hand-books to the records of the Indian governments.

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CHAPTER VIII

THE COMPANY'S MARINE

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The Parliamentary Papers contain comparatively little on this subject. The chief references are: Session 1812–13, vol. viii; 1832, ix; 1847, xli; 1852, xi; 1852–3, xii; 1863, xxxviii; 1873, xii.

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CHAPTERS IX and XXII

THE ARMIES OF THE EAST INDIA COMPANY AND THE INDIAN ARMY

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The principal source consists of the records in the military departments of the Government of India and of the provincial governments, described in Sir William Foster's *Guide* down to 1858. The Madras Record Office also contains a considerable number of papers, being all that survive of the records of the old Madras Army. The Orme MSS. and the Home Miscellaneous Series at the India Office also contain a large number of references to the subject of these chapters, and the reader should refer to Hill's *Catalogue of the Orme MSS.* and the same author's *Catalogue of the Home Miscellaneous Series*, both fully indexed.

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CHRONOLOGICAL TABLE

1818	Diocese of Calcutta inaugurated.
1819	Expedition to the Persian Gulf.
	Mountstuart Elphinstone governor of Bombay.
1820	Sir Thomas Munro governor of Madras.
	Bishop's College founded at Calcutta.
1821	The *Samachar Darpan* founded.
1822	Heber bishop of Calcutta.
	The Native Education Society founded at Bombay.
1823	Lord Amherst governor-general.
	Supreme Court of Judicature established at Bombay.
1824	First Burmese War.
1825	Voyage of the steamship *Enterprise* to India.
1827	Death of Sir Thomas Munro.
	Sir John Malcolm governor of Bombay.
1828	Lord William Bentinck governor-general.
	Enquiry into freehold titles in Bengal and the Upper Provinces.
	The Brahmo Samaj founded.
1829	Sleeman commissioner for the suppression of thagi.
	Launch of the *Hugh Lindsay* at Bombay.
	Regulation prohibiting sati.
1830	Rebellion in Mysore.
	Ram Mohun Roy visits England.
1831	Administration of Mysore assumed by the British.
1832	Jaintia annexed.
1833	Lord William Bentinck commander-in-chief.
	The Company's trading rights abolished.
	Centralisation of legislative power.
1834	War with Coorg.
	Indian magistrates appointed.
	Macaulay law member.
	Disturbances at Kimedi.
	Province of Agra formed.
1835	Corporal punishment of sepoys abolished.
	Sir Charles Metcalfe acting governor-general.
	Press restrictions abolished.
1836	Lord Auckland governor-general.
	Diocese of Bombay established.
1839	First Afghan War.
1840	Cautley's Jumna Canal report.
1842	Lord Ellenborough governor-general.
1843	Annexation of Sind.
	Slavery prohibited in British India.
1844	Ellenborough recalled.
	Sir Henry Hardinge governor-general.
	English education declared a qualification for public service.
1845	Danish possessions sold to the English.
	First Sikh War.
1847	Sir George Clerk governor of Bombay.
	Sati prohibited in Sindhia's territory.
	Engineering College founded at Rurki.
1848	Lord Dalhousie governor-general.
	Second Sikh War.
1849	Annexation of the Panjab.
	Drinkwater Bethune establishes a school for Hindu girls.
	Moplah rising.
1852	Second Burmese War.
	Wahabi conspiracy discovered at Patna.

1853 Sir John Lawrence chief commissioner of the Panjab.
Railway opened from Bombay to Thana.
Assignment of Berar.
Telegraph line from Calcutta to Agra begun.
Annexation of Nagpur.
The Company's charter renewed; considerable changes made in the legislative council.
Bengal placed under a lieutenant-governor.
The covenanted civil service to be recruited by competition.
1855 Treaty with Dost Muhammad.
Sonthal rebellion.
1856 Annexation of Oudh.
Lord Canning governor-general.
War with Persia.
1857 Further treaty with Dost Muhammad.
Sir Henry Lawrence chief commissioner of Oudh.
Outbreak of the Indian Mutiny.
Delhi recovered.
Havelock and Outram reach Lucknow.
Sir Colin Campbell relieves Lucknow.
1858 Sir Hugh Rose's campaign in Central India.
Sir Colin Campbell reduces Oudh.
Government of India to be conducted in the name of the queen.
1859 The White Mutiny.
James Wilson first finance member.
1860 Issue of sanads of adoption.
The *Nil Darpan* produced.
1861 The Order of the Star of India instituted.
Famine in the North-Western Provinces.
1862 The Penal Code introduced.
Lord Elgin governor-general.
Sir Bartle Frere governor of Bombay.
Amalgamation of the Supreme and sadr courts into High Courts.
1863 Dost Muhammad takes Herat and dies.
Afghan War of Succession.
Ambela campaign.
1864 Sir John Lawrence governor-general.
The Bhutan War.
1865 Telegraphic communication with Europe opened.
The Orissa famine.
1868 Sher Ali receives an annual grant of 6 lakhs.
Panjab Tenancy Act passed.
Railway opened from Ambala to Delhi.
1869 Lord Mayo governor-general.
Conference at Ambala.
1870 Yakub's rebellion in Afghanistan.
Mayo's first provincial settlement.
1871 Engineering College at Cooper's Hill opened.
1872 The Kuka revolt.
Lord Northbrook governor-general.
The Seistan boundary report.
1873 The Russians reduce Khiva.
The Simla Conference.
1874 The Bihar famine.
Lord Salisbury secretary of state for India.
1875 The Gaekwar's case.
Mayo College, Ajmer, opened.
Visit of the Prince of Wales.
1876 The Royal Titles Act.

1876	Lord Lytton governor-general.
	Treaty with Kalat.
	The queen proclaimed empress of India.
	Proposed mission to Afghanistan.
	Famine in the Deccan.
1877	Lytton's Delhi durbar.
	Famine extends northwards.
	Famine insurance introduced into the budget.
1878	Vernacular Press Act.
	Indian troops sent to Malta.
	Stolietoff's mission to Kabul.
	Second Afghan War.
	Flight of Sher Ali.
1879	Treaty of Gandammak.
	Murder of Cavagnari at Kabul.
	Yakub abdicates.
	Kabul reoccupied.
1880	Lord Ripon governor-general.
	Battle of Maiwand.
	Roberts' march to Kandahar.
	Abd-ur-rahman recognised as amir of Kabul.
1881	Abd-ur-rahman occupies Kandahar.
1882	Hindu-Muslim riots at Salem.
1883	The Ilbert bill.
1884	Merv occupied by the Russians.
	Russo-Afghan frontier commission appointed.
	Lord Dufferin governor-general.
1885	First meeting of the Indian National Congress.
	The Franco-Burmese treaty.
	The Panjdeh incident.
	The Bengal Tenancy Act.
	Abd-ur-rahman at Rawalpindi.
	Bengal Local Self-Government Act.
	Third Burmese War.
	Gwalior fort restored to Sindhia.
1886	Annexation of Upper Burma.
	Afghan northern boundary delimited.
	Hindu-Muslim riots at Delhi.
1887	Ghilzai revolt in Afghanistan.
1888	Ishak Khan's rebellion.
	Hazara punitive expedition.
	Lord Lansdowne governor-general.
1889	Abdication of the Maharajah of Kashmir.
	Second visit of the Prince of Wales.
1891	Factory Act.
	Age of Consent Act.
	Manipur rebellion.
1892	Indian Councils Act introduces the principle of election.
	Death of Sandeman.
1893	Hindu-Muslim riots at Bombay.
	The Durand Mission to Kabul.
1894	Lord Elgin governor-general.
	The Opium Commission.
1895	Final settlement of the Russo-Afghan frontier.
	The Chitral expedition.
1896	Indians in Natal lose the franchise.
1897	Plague at Bombay.
	Murder of Rand and Ayerst at Poona.
	Frontier risings.

1898	Dorjieff's first mission to Russia.
1899	Lord Curzon governor-general.
1900	North-West Frontier Province formed.
1901	Habib-ullah amir of Afghanistan.
1904	The Younghusband expedition to Tibet.
1905	The Dane Treaty with the amir.
	The partition of Bengal.
	Lord Minto governor-general.
	Quetta-Nushki Railway completed.
	John Morley secretary of state for India.
1906	Habib-ullah's visit to India.
1907	The Anglo-Russian Convention.
	Attempt on Sir Andrew Fraser.
	Congress split at Surat.
	Entrance of Indians into the Transvaal restricted.
1908	Tilak convicted of sedition.
	The Newspapers Act.
1909	Morley-Minto reforms become law.
	S. P. Sinha appointed to the governor-general's council.
	Proposal to establish an executive council in the United Provinces.
1910	Newspapers (Incitement to Offences) Act.
	Recruitment of indentured labour for South Africa suspended.
	Arms traffic checked by blockading the Persian Gulf.
	Lord Hardinge governor-general.
	Lord Crewe secretary of state for India.
1911	The Delhi durbar.
	Transfer of the capital to Delhi announced.
	The partition of Bengal revoked.
1912	The Balkan War and Indian Muslim excitement.
	Attempt on Lord Hardinge.
1913	Hardinge's pronouncement regarding Indian grievances in South Africa.
1914	Outbreak of the German War.
	Expedition to Mesopotamia.
1915	The Defence of India Act.
	Sir Austen Chamberlain secretary of state for India.
1916	The Home Rule Movement.
	The Lucknow Pact of the Muslim League and the National Congress.
	Lord Chelmsford governor-general.
1917	Expedition into Waziristan.
	Mr E. S. Montagu secretary of state for India.
	Mr Montagu's declaration in the House of Commons.
	The Rowlatt Committee appointed.
1918	The war with Germany comes to an end.
	Mr Montagu's visit to India.
1919	The Rowlatt Acts passed.
	Habib-ullah's murder.
	The Montagu-Chelmsford reforms become law.

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